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**HARVARD COLLEGE
LIBRARY**



**GIFT OF
THE UNIVERSITY**

RECORDS
OF THE
COLONY OR JURISDICTION
OF
NEW HAVEN,

FROM MAY, 1633, TO THE UNION

TOGETHER WITH THE
NEW HAVEN CODE OF 1656.

TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION
OF THE GENERAL ASSEMBLY OF CONNECTICUT.

By CHARLES J. HOADLY, M. A.

State Librarian, Member of the Conn. Hist. Soc.

HARTFORD:
PRINTED BY CASE, LOCKWOOD AND COMPANY.
1858.

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HARVARD COLLEGE LIBRARY

At a General Assembly of the State of Connecticut, holden at New Haven in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and fifty-six:

Resolved, That the secretary be authorized to purchase for the use of the state, two hundred and fifty copies of the proposed publication of the Records of the Colony of New Haven, prior to the union with Connecticut, transcribed and edited by Charles J. Hoadly, Esq. *Provided*, that such publication shall be authenticated by the official certificate of the secretary, as a true copy of the original record; *and provided also*, that the expense of the same shall not exceed two dollars and fifty cents per volume.

Resolved, That the copies so purchased be distributed as follows; one copy to the town clerk of each town in this state, to be preserved in his office for the use of the town; one copy to the governor, and to each of the state officers of this State; one copy to the governor of each of the several states and territories of the United States, to be deposited in their several state libraries; one copy to the library of congress; one copy to the Smithsonian Institute; one copy to each of the colleges of this state; twenty-five copies to Mr. Alexander Vattemare for international exchange; and the remainder of the said two hundred and fifty copies to be deposited in the office of the secretary, subject to the disposal of the general assembly.

P R E F A C E.

THE present volume comprises all the Records of the Jurisdiction of New Haven now known to exist, except the few entries in the 'Records of the Colony and Plantation of New Haven,' printed in 1857.

In the Introduction to the work just mentioned, it was stated that the volume of Records of which this is in immediate continuation, had many years ago disappeared; so long since, indeed, that no writer on Connecticut or New England history seems to have had an opportunity to consult it. Reference is made in this book to two places in the missing volume, one as fo: 176, said to contain records of the date of ⁴⁵ May 30th, 1649, the other, fo: 303, containing some of the date of ⁵⁰ May 29th, 1651. The Records of the Town of New Haven, prior to the Union, are unbroken in their series, and it is from them, together with those of the other towns in combination, that the history of New Haven Jurisdiction from 1644 to 1653 is mainly to be gleaned.

The same care has been used to render the text strictly correct and reliable as in the previous volume.

The editor has taken the liberty to omit a few passages, indicated in notes, containing details of evidence in some criminal cases, for which he trusts no apology is needed.

Several documents from the Files of the State have been inserted in their chronological order in the text. This seemed to the editor better than to throw them into an appendix. They are printed in a smaller type, and the places noted where the originals may be found.

The New Haven Laws are here given from the original printed copy belonging to the Library of the American Antiquarian Society at Worcester, Massachusetts, which has been very kindly loaned for that purpose. That copy is in excellent preservation, and, having his name written upon the title page, with the date 1656, is supposed to have belonged to John Davenport himself. As the book is of great rarity, and perhaps unique, a more particular description is added: it is a small quarto of eighty pages, though at signature G there is a break in the paging, none being numbered 47 or 48—it is printed with type of about the size generally used in the body of this volume,—it has no running title,—the breadth of the page, exclusive of the

marginal notes, is the same with that of this work, and its length six inches.

A fair transcript of these laws is now in the Secretary's office, which was made by Mr. Baldwin, then librarian of the American Antiquarian Society, at the request of the General Assembly in 1834.

The laws contained in this code were passed at various times, and perhaps collected and digested about 1648 or 1649, though revised and in some degree altered in 1655, upon the perusal by Governor Eaton of the 'New booke of lawes in y^e Massachusetts colony,' and the 'Small booke of lawes newly come from England, w^{ch} is said to be Mr. Cottons.' Of the latter the full title is given in the note,* and an idea of its contents may be obtained by consulting Hutchinson's Coll. 161, and 1, Mass. Hist. Coll. v. 173. Dr. Trumbull, Hist. Conn. p. 235, edit. 1797, appears to have confounded it with another work attributed to Cotton,† but with reason thought to be by Davenport.

The editor acknowledges renewed obligations to those gentlemen who have rendered him assistance in various ways, in particular to Hon. Francis DeWitt, late Secretary of the Commonwealth of Massachusetts, and to Mr. David Pulsifer, of Boston, for copies of documents from the files of that State, to Samuel F. Haven, Esq. of Worcester, Mass., to Henry White, Esq. and others of New Haven, Ralph D. Smith, Esq. of Guilford, and to several friends in this city.

Grateful for the favor with which his former volume was received, the editor believes that the one now given to the public will be found of much greater interest and importance. If it shall contribute to foster a taste for the study of the original materials for our history, he will feel that his labor has not been lost.

STATE LIBRARY, HARTFORD,
May 3, 1858.

C. J. H.

* AN ABSTRACT OF LAWS and Government. Wherein as in a Mirrour may be seen the wisdom & perfection of the Government of Christs Kingdome. Accomodable to any State or form of Government in the world, that is not Antichristian or Tyrannicall. Collected and digested into the ensuing Method, by that Godly, Grave, and Judicious Divine, Mr. JOHN COTTON, of Boston, in New-England, in his Life-time, and presented to the generall Court of the Massachusetts. And now published after his death, by William Aspinwall. Isa. 33. 22. *Jehovah is our Judge, Jehovah is our Law-giver, Jehovah is our King, he will save us.* LONDON, printed by M. S. for Livewell Chapman, and are to be sold at the Crown in Popes-head Alley, 1655.—Small 4to. pp. 36, with title and preface 8, and analysis and errata 2.

† A Discourse about civil government in a new plantation whose design is religion. Written many years since by that Reverend and worthy minister of the gospel, John Cotton, B. D. And now published by some undertakers of a new plantation, for general direction and information. Cambridge, printed by Samuel Green and Marmaduke Johnson, 1673.—Small 4to. pp. 24. Bacon's Hist. Disc. 289.

RECORDS
OF THE
JURISDICTION OF NEW HAVEN.

[In the handwriting of Francis Newman.]

[1] AT A COURT OF ELECTION HELD AT NEWHAUEN FOR THE
JURISDICTION THE 25th OF MAY, 1653.

Theophilus Eaton, Esq^r, was chosen Gouverno^r.

Mr. Stephen Goodycare was chosen Deputie Gouverno^r.

Francis Newman was chosen Magistrate for Newhauen.

Mr. William Fowler, } chosen Magistrats for Millford.
Mr. John Astwood, }

Mr. William Leete was chosen Magistrate for Guilford.

Theophilus Eaton, Esq^r, } chosen Co^mmission^rs.
and Capt. Jn^o Astwood, }

Mr. Leete is chosen a third man, and Mr. Goodyeere a fourth, in case any of the other or both should not be able to attend the service.

Mr. Joshua Atwater is chosen Treasurer.

Francis Newman is chosen Secretarie.

Thomas Kimberly is chosen Marshall.

All chosen for the yeare ensuing and till new be chosen.

AT A GENERALL COURT HELD AT NEWHAUEN, FOR THE JURIS-
DICTION, THE 25th OF MAY, 1653. PRESENT,

Mr. Stephen Goodyear, Dept' Gou'.

Francis Newman,

Mr. William Fowler, *Magistrats.*

Mr. William Leete,

Mr. Gibbard, } Dept' for Newhaven.

Henry Lindon, }

Benjamin Fenn, } Dept' for Millford.

Robert Treate, }

William Chittenden, } for Guilford.

Mr. Thomas Jorden, }

Richard Law, } for Stamford.

Francis Bell, }

Jasper Crane, } for Brandford.

Samuell Swaine, }

All w^{ch} came wth
due certificates.

First the deputies p^resented certificates of their being chosen to this trust by the free-men in each plantation; none from South hold being present at this time, wherefore the court ordered that those deputies w^{ch} were appointed for carying on civill affaires at South hold the last yeere are continewed still in y^e same trust till further order from this court.*

The Court was informed that the free-men of Stamford desire a constable may be chosen to cary on the publique occasions in their towne, and they haue pitched vpon Richard Law if [2] [the] || court see cause to confirme it, w^{ch} the court now did, and comitt the same power to him as Francis Bell had the last yeere, and becaus this yeere is like to proue verrey troublesome and many occasions may present, therefore the court orders that another man be chosen by the free-men there as a marshall, w^{ch} shall be helpfull and assistant to him in publique buisnes as he shall appointe.

It is ordered that twelue horses shall be kept in the five townes in this jurisdiction that are vpon the maine, viz^d: foure at Newhaven, two at Millford, two at Guilford, two at Stamford & two at Brandford; w^{ch} sufficient furniture for trauell,

* In margin, " Southhold, the freemen to chuse ano[ther] in Liv: Buds roome if they will."

and to bee allwayes in a readines as the publique occasions of the cuntry may require; and for the hire of the horses, the owner shall haue from Newhaven to Connecticote tenn shillings, from Millford to Stamford ten shillings, from Newhauen to Millford two shillings eight pence, or foure pence a mile, according as it is vsually accounted. The charge of keeping the horses is left to euery towne to consider; the hazard of the horse to be vpon the owner, but the charge of hiring men, whether messengers or others, to bring horses backe againe, to bee at the publique charge, as the authority of the place from whence they are sent shall agree wth them.

The Court considering how vsefull horses may be for service in warr if wee should haue occasion, and how few there is left in the jurisdiction w^{ch} are at present capeable of being made fitt for that imployment, thought good to order, that no horses be sold or sent out of this jurisdiction w^{thout} license from those psons and vnder such penaltie as it is ordered in case of other cattell.

The Deputies that were chosen to cary on civill affaires at Brandford the last yeare are againe now chosen and appointed to the same trust and service for the yeare ensuing, and haue the same power and authority co^mitted to them as they then had.

The Court considering and seing by experience that in these troublesome times sundrie occasions come suddenly in w^{ch} requires the attendance of some w^{ch} may act in them as they shall conceive best for the publique good & safety, and the court being vnwilling to continew all here together for that purpose, did appointe Mr. Goodyere, Mr. Leete, Francis Newman, Mr. Gibbard, Benjamin Fenn & M. Crane, as a co^mitte^e, to whom they giue as full power to act in any sudden buisnes that may fall out, (so as they shall judg may bee for the good of y^e jurisdiction,) as if they themselues were p^rsent & acted in it.

[3] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE
JURISDICTION THE 29th OF JUNE, 1653.

PRESENT,

Magistrats.

Theophilus Eaton, Esq ^r , Gou.	} Newhaven.
Mr. Stephen Goodyear, Dept. Gou.	
Francis Newman, Magistrat,	
Capt. John Astwood, Mag: for Millford.	
Mr. William Leete, Mag: for Guilford.	

Deputies.

Mr. Gibbard,	} Newhaven.
Henry Lindon,	
Benjamin Fenn,	} Millford.
Robert Treate,	
Mr. William Chittendine,	} Guilford.
Mr. Thomas Jordan,	
Richard Law,	} Stamford.
Francis Bell,	
Mr. Wells,	} Southhold.
William Purrier,	
Mr. Crane,	} Brandford.
Samuell Swaine,	

The Gouvernor acquainted the court wth what was done at the comission last at Boston, concerning the warr propounded against the Duch, and pticularly wth an interpretation of the Generll Court of the Massachusets of the Articles of Confederation, wherein they declare that the comission^rs haue not power to act so farr in matters of that nature as to make an offensive warr; these wrightings were read, and the interpretation was much disliked by the court, knowing that if it stood, the combination of the Colonies must be broken or made vseles.

The Gouvernor also acquainted the court wth a late conference w^{ch} himselfe, Capt' Astwood and Mr. Leete hath had wth the magistrats and generall court of Connecticote Jurisdiction, and that they haue agreed to send the minde of both the generall courts to the Massachusets concerning that interpretation, (that from this colony the court desired the gouvernor to drawe vp, w^{ch} is hereafter entered,) and also againe to de-

sire aide and assistance from them in this vndertakeing against the Duch, according as the cõmission's had agreed, that is five hundered men from all the colonies, wth suitable pvsions for such a designe, but if that be not yeilded, that then they would give leaue that we vse some meanes whereby volunteers may be procured out of their colonie, wth shipping, victualls and amunition fitt for that service. And the better to further and accomplish it, it is agreed that foure psons shall be sent as agents or cõmission's from the two generall courts, that is, two from Connecticote and two from hence. Wherefore the court did now chuse and appointe Mr. William Leete, one of the magistrats of this jurisdiction, and Mr. Thomas Jordan, one of the deputies for the generall court for Guilford, for this service, who are to haue cõmission and instructions from this court to authorise and direct them to act and negotiate in this buisnes, and to give the cõmission's a call to sitt here at New-haven the first or second Thursday in August next, w^{ch} answer to the Massachusetts declaration* and the cõmissions and instructions are as followeth,

The answer of this Generall Court to y^e Massachusetts declaration.

Vpon information of a question propounded by the honno^{red} Generall Court of the Massachusetts, concerning the power of the cõmission's to determine the justice of an offensive warr and the answer of the cõmittee therevnto.

This court hath considered and compared the Articles of Confederation and the interpretation together, and desire they [4] || may wthout offence express their thoughts and apprehensions in y^e case.

The confederation betwixt the colonies was no rash & sudden ingagem^t, it had bine severall yeares vnder consideration. In anno 1638 there was a meeting at Cambridg aboute it, but some things being then propounded inconvenient for the lesser colonies, that conference ended wthout fruit, and the foure jurisdictions, though knitt together in affections, stood in refference one to another loose and free from any express

*In margin, "W^{ch} declaration is recorded in y^e acts of y^e cõmission's of y^e Coll. May, 58."

couenant or combination, till vpon a new invitation and propositions from the Massachusets, another meeting was appointed at Boston, in May, 1643; so that magistrts, deputies and free-men, especially those of the Massachusets, had aboute five yeares time to consider what they were aboute, the compass and consequences of such a consociation, and probably did improve it, and saw cause to renew the treaty so long suspended.

2. After a large & serious debate of the committee chosen and empowered by the seuerall jurisdictions, (the Generall for y^e Massachusts then sitting at Boston, and being acquainted and from time to time advised wth concerning all and every article treated of,) the 19th of May, 1643, a firme agreement was made & concluded, wherein the other jurisdictions by their deputies, the Massachusets, both by their deputies and by the generall court, considering that wee were all of one nation and religion, and all of vs came into these pts of America wth one and the same end and aime, and (could it have bine done wth conveniency) had communicated in one gouernment and jurisdiction, thought it their bounden duty w^{thout} further delay to enter into such a present consociation as whereby the foure jurisdictions might be and continew one, according to the tennour and true meaning of the Articles of Agreement, and that thencforth they all be, and be called by the name of the Vnited Colonies of New England.

3. Though all the plantations w^{ch} already are or hereafter may be duely settled w^{thin} the limits of each of these foure colonies are to be and for euer to remaine vnder the gouernment of the same, and each colony to haue peculiar jurisdiction w^{thin} itselfe as an intire body, as expressed in the 3^d and 6th Articles, yet till now that was neuer vnderstood to cross or abate the power of the comission's in things proper to the confederation. The colonies vniting did for themselues and their posterities enter into a perpetuall league of frendshipp and amity, for offence and defence, mutuall advice and succour, vpon all just occasions for the joynt safety and wellfare, as in the second Article. The charge of all just warrs, whether offensive or defensive to be borne by the foure colonies in their severall pportions, & the advantage of all such warrs, (if God

give a blessinge,) to be accordingly devided, as in the 4th Article; and for the managing and concluding all such affaires, by express agreement, eight comission's are to be chosen, (all in church fellowship, and all to bring full power from their severall generall courts,) namely two by and out of each colony, to heare and examine, weigh and determine, all affaires of warr and peace, leagues, aides, charges and numbers of men for warr, devision of spoyles or whateuer is gotten by conquest, receiving of more confederats or plantations into combination wth any of these confederats, and all things of like nature wth [5] are the proper concoitants or || consequents of such a confederation, for amity, offence or defence; and if these eight comission's when they meete agree not, any six of them agreeing haue power to settle and determin the buisnes in question, but if six doe not agree, then such propositions wth their reasons to be sent and referred to the foure generall courts, &c., as in the 6th Article. They were also to indeavor to fram and establish agreements and orders in generall cases of a civill nature, wherein the plantations are interessed, for p^rerving peace amonge themselues and preventing (as much as may be) all occasions of warr or differences wth others, as aboute the speedy passage of justice in each jurisdiction to all the confederats equally as to their owne, &c., as^t more largely appeares in y^e 8th Article, so that certainly and wthout question these foure colonies haue by a perpetuall covenant invested the comission's wth power suiting such a confederation, and wthout it the cōbination must either breake or prove vseles.

4. As questions and scruples may arise and growe about the justice of an offensive warr, so conscience may be exercised in a defensive warr and concerning leagues and aides. Jehosaphat the king of Judah sinned and was rebuked by two prophets, Jehu & Eliezer, for joyning wth and helping Ahab & Ahaziah, kings of Israel. If therefore the generall court for the Massachusts doe now conceive and interpret that the power giuen to the commission's (men of the same nation, of the same religion, members of approued churches, who came into these pts for the same ends and spirituall aimes, and who had comūicated in one and the same gouernment & jurisdic-

tion, had not distance of place hindered,) in an offensive warr is a contradiction and absurdity in policy, a scandall to religion, a violation of fundamentall law, a bondage and prostituting itselfe to strangers, &c., they may at their next meeting, vpon the same or like grounds conclud against leagues, aides, a defensiu warr & other pts of trust and power wherewith the comission's by the Articles are invested, and the three other colonies, or the generall court for any one of them, may doe the like, but wee feare in so doing wee shall draw guilt vpon ourselues in violateing a perpetuall league, so deliberately and firmly made, be covenant breakers and provoake God against vs.

5. It may be considered when a just warr in ordinary cases may be called offensive or vindictive. When God gaue the land of Canaan, their citties, vineyards, &c., vnto the children of Israel, Israel was the staffe or sword in Gods hand by his appointment to punish a rebellious people, the measure of whose sinns was then full, but ordinarily and in refference to men, lawfull warrs are to defend, recover, secure or get satisfaction, in case of just possessions or rights injuriously invaded, seized or indangered by others, wth respect to persons, estates or hono's, when other meanes will not serve; such a warr was Davids against the chlldren of Ammon, 2 Sam: 10, and such wee conceive was the late warr of England against Scotland, and their p'sent warr against the Duch.

6. Such leagues and confederations haue bine made and continewd amonge other people and provinces, some in a subordination, some in a consociation, vpon some seuerall [6] articles and covenants || wherein power hath bine granted, and yet customs, priuiledges and parts of gouernment reserved for the safety of the whole and conveniency of the parts, as may appeare in the different agreements and settlements of the Netherland Provinces, and the confederation of the cantons of the Switzers, &c.

7. Wee know of no fundamentall law of these colonies violated or impaired by the Articles of Confederation, as, (till now wee conceive,) they haue bine clearly and fully vnderstood by the whole comitteee and by the generall court of the Massa-

chusets, whose heads and hands were in the contriving and frameing of them, nor is there any such deligateing of others, especially of strangers, as is intimated. The freemen of the colonies generally, choose their owne respective cõmission's, such as in whom they may confide, and accordingly they are invested wth power according to the combination covenant, and for these ten yeares wee haue found the blessing of God vpon our vniting, and his presence and assistance vpon the meetings and conclusions of the cõmission's.

8. According to the intent of the colonies and contrivers of the confederation, hath bine the practise in all former times. The cõmission's haue mett and treated wth power onely limited to the Articles. The Indians, French and Duch haue had recourse to them in all matters of warr, leagues, aides, &c. from time to time; but this most cleerly appeares in anno 1645, when the meeting was at Boston, and the generall court for the Massachusetts had some agitations wth the commission's aboute an offensive warr wth the Narraganset Indians, if y^e warr now propounded against the Duch may be called offensive, the generall court would haue sent a cõmission after the soldio's gon from Boston but not yet out of the jurisdiction, conceiueing that if otherwise any blood should bee shed, the actors might be called to account for it. It was answered that though it did belonge to the authority of the severall jurisdictions (after the warr and number of men was agreed by the cõmission's,) to raise the men & pvide meanes to cary it on, yet the proceeding of the cõmission's, and the cõmission given, was as sufficient as if it had bine done by y^e Gen: Court, for, first, it was a case of such vrgent necessitie as could not stay the calling of a court or counsell.

2. In the Articles of Cofederation, power is giuen to the cõmission's to consult, order and determine all affaires of warr, and the word (determine) comprehends all acts of authority belonging thereto.

3. The Cõmission's are the sole judges of the necessity of y^e expedition.

4. The Generall Court haue made their cõmission's their sole counsell for these affaires.

5. Their counseles could not haue had their due effect except they had power to proceede in this case as they haue done, w^{ch} were to make the co^mmission's power, and the maine end of their confederation to be frustrate, and that meerey for observeing a ceremony.

6. The co^mmission's haueing had the sole power to mannage the warr for number of men, time, place, &c., they onely know their owne counsells and determinations, and therefore none can grant co^mmissions to act according to these but themselues.

7. To send a new co^mmission after them or any confirmation of that w^{ch} they haue, would cast blame vpon the co^mmission's and weaken their power, as if they had proceeded vnwarrantably.

After much time spent in such agitations, the generall court for the Massachusetts allowed the proceedings of the co^mmission's for || the matter, and further agreed that it did belong to the commission's onely to appointe one to haue command in cheife ouer all y^e forces sent from the severall colonies.

9. In the vniting of these colonics it was agreed & covenanted that if any of the confederats shall hereafter breake any of these p^rsent Articles, or be any other way injurious to any one of the other jurisdictions, such breach of agreement or injury shall be duely considered and ordered by the co^mmission's for the other jurisdictions, that both peace and this p^rsent confederation may be intirely preserved wthout violation, as in the 11th Article. And it is a rule in law concerning logall acts, that all expressions & sentences, though of a doubtfull construction, be vnderstood for the confirming of them as farr as rationally may be. Then certainly in confederations and covenants, blood may not be drawne out by forced interpretations contrary to cleare words, sentences, the scope and purpose of all the Articles, and to the practise of all times since, to nullify or infringe them.

10. The premises considered, we conceive the interpretation made by the co^mmittee & approved both by the magistrats and deputies of the Generall Court for the Massachusetts, apparently tends to the breaking of the league of confederation be-

twixt the colonies, and though by an order of June the 3^d, 1653, they declare they haue no such intention, that satisfyes no more then if a man maimed and made for euer vseles should be told his life for a time should be spared. This colony conceiveth (and is accordingly affected,) that it had bine much better for them neuer to haue combined. They are more exposed to enemies and dangers now then before, while that interpretation stands in force at the Massachusets. The cõmission's from thence are like to be sent wth a limited cõmission, and no fruit can be expected from such a meeting; all they can doe is to looke vp to him to whom all the shields of the earth belong, and y^e second place to seeke advice and help elsewhere.

The cõmission and instructions of Mr. William Leete, one of y^e magistrats for Newhaven Jurisdiction, and Mr. Thomas Jorden, one of the deputies for the Generall Court of the same Jurist', joyned to two agents or cõmission's of Connecticut, sent as a cõmittee to treat wth the honorable colonie of the Massachusets, as herevnder is more p^ticularly exprest.

Whereas as all the confederated colonies, but especially these two smaller and more westerly jurisdictions, are in imminent danger of an invasion or warr, both from the Duch, (if once they be strengthened wth forces, either from the Netherlands or elsewhere,) and from the Indians hired and ingaged by the Duch, (as by much Indian testimony is proved,) to cut of the English, not onely of Hempsted, Midleburrow, &c., wthin the Duch lymits, who are threatened and exposed to ruine, for their faithfullnes to the English nation and their cuntry men in these parts, but the plantations wthin the Vnited Colonies. Yow are to treat wth the Gouvernor, Counsell, Cõmission's and Generall Court of the Massachusets, or any of them, as you finde or may procure optunity. That for the honor of the English nation, the peace and safety of the English in all this pt of America, by warr if no other meanes will serve, the Duch at and aboute the Manhatoes, who haue bine, and still are like to prove, injurious and dangerous neighbours, may be [8] removed, and that (according to the || cõmission's late

agreement at Boston,) five hundred men may be speedily raised out of the foure colonies in proportion then settled and wthout delay employed in this publique service.

But if the Gouverno^r, Counsell, Co^mmission^rs, Generall Court, &c., as aboue, thinke fitt to increase that number, (the Duch being now more strongly fortified,) or vpon other considerations much importing the wellfare of the whole confederation in these times of exercise, these two colonies of Connecticote and Newhaven doe joyntly desire that wthout offence three magistrats of this jurisdiction may give a call (according to the 5th Article in y^e Confederation,) to the commission^rs to meete at Newhaven the 4th or 11th day of August next, all invested wth full power from their severall jurisdictions, according to the Articles of Confederation, wthout any other lymits then haue heitherto bine vsed.

The Generall Court haue also (as you know) p^rvsed and considered the interpretation of the Articles of Confederation made by a co^mittee at Boston and approved both by magistrats and deputies of y^e Massachusts Generall Court, and by way of answer, doe now returne their apprehensions inclosed in a letter to the Gouverno^r, Dept^r Gouverno^r and Co^mmission^rs of that Colonie, w^{ch} wee herewth deliuer to you, and you are to present to the Gouvernor, &c., that if God bless our and yo^r indeavours, the late interpretation may be recalled & the confederation settled according to the first intendment and the progress it hath had in the hands of the co^mission^rs heitherto wth a blessing. Wee comend you to him who can prosper both yo^r trauell and occasions, and rest.

By the Generll Court for Newhaven Colonie
the 29th June, 1653, & Francis Newman, *Secret^r*.

Further instructions for Mr. Leete and Mr. Jorden, if they cannot prevayle in the former ppositions.

You are to propound and desire from the Gouvernor, &c., libberty to strike vp a drum, or in some other way to treat for the raying of volunteeres to assist these two colonies in an expidition for their safety, and if leaue be granted, (for wee would give no offence,) you may speake wth such millitary

officers in whom you may confide, for the better furtherance of the worke.

By the Gener^{ll} Court for Newhauen Colony,
the 29th June, 1653, & Francis Newman, *Secret.*

Further instructions for M^r. William Leete and M^r. Thomas Jorden, if they cannot prevayle in y^e former propositions.

1. For the number they may be two, three, or foure hundred men, pvided that such agreements and conclusions may be firmly settled in wrighting, that these two colonies may wth conveniency send such a proportion of men as they may spare, that they may haue at least an equall share, both in power to order and com^mand in all affaires, and in the success and advantage of the buisnes in all respects, if God giue a blessing; but herein they that by agreement stay wth the stuff, or be ordered as a reserve or an auxiliary army, to guard y^e plantations or to watch against any invasions or assaults of y^e Indians vpon the plantations, to be reckoned as pt of our number [9] ¶ and to share equally wth the rest; and herein due consideration be had of shipping for the service, what great gunns will be necessary, wth suitable pvision, wth victualls, &c.; and you will warily consider the quallity and disposition of the men wth whom you treate & their company they are like to bring, that they be such as wth whom wee may joyne in the same way, both of church administratiōs and civill gouernment; wee would be loath to bring Road Island or any of that stampe or frame nearer to vs.

2. If shipps should come from England, bringing such com^missions as may suit the service propounded, while you are in those pts, it is hereby left to yo^r discretion to treate & conclude wth them for the publique good, according to the tenour of yo^r instructions, though wee cannot prescribe all pticulars.

3. In case the Gouverno^r, &c., should send an answer to all propounded, in a letter sealed, neither treating nor acquainting yow with the contents, you may in time and place convenient, avoyding offence, open the letter and consider what is written, that you may the better pceede in any thing to be

done by you according to directions now giuen, and if any letters come from England, wch you may rationally conceive concerne publique affaires, you are to send them wth all speede, though you hire a messenger. The wise and good God assist you according to y^e weight of yo^r worke, Wee rest.

By the Generll Court for Newhauen
Colonie, June 29th, 1653, ~~¶~~ Francis Newman, *Secret*.

But if the Massachusetts Colony should refuse to yeild to the going on of the warr as the co^mission's agreed, and also to meete as commission's at Newhaven at the time appointed, but should giue liberty for volunteers to goe, and so the warr pceede, then it is ordered that this colony and Connecticote agree together to chuse a counsell of warr to sitt here at Newhauen for the ordering of the warr in all respects, so as they shall judg will be best for both the colonies.

It was propounded to the court, that in case the Massachusetts Colony will not revoake their interpretation they haue giuen of the Articles of Confederation, whether then the co^mission's for this colony shall meete at the vsuall time in September. The court by vote declared, that in case that interpretation be not called in, they see no cause why they should meete.

It was propounded to know how the amunition wch came last from the Bay, wch is this colonyes pt, sent ouer by the Corporation, shall be disposed of. Some would haue had it devided, but the most of the court agreed to have it kept together at Newhauen for the present, and the powder to be laid vp in seuerall houses in a seecret way as the magistrats and deputies of Newhaven shall appointe.

Concerning the friggot wch lyes at Connecticote, it is ordered, that this colony will joyne wth Connecticote in a way of proportion to buy her and fitt her wth gunns and what else is necessary to goe forth vpon the service intended, that is to coast vp and downe betwixt the rivers mouth and Stamford, for the better security of the two colonies from enemies wch may come by sea to doe spoyle vpon them, and whereas it is conceived she will cary ten gunns, it is agreed that foure of

those tenn this colony will finde, w^{ch} shall be had two from Newhaven, one from Guilford, and one from Brandford, & if there be occasion for more, one from Southhold.

[10] || The Courte tooke into consideration the provisions ordered to be staide for the vse of the jurisdiction in March last, whether it shall be releasd or not, but considering how vncertaine things are, ordered that it be kept till Mr. Leete returne from the Bay, or other order be given.

Captaine Astwood acquainted the court that he hired a horse at Springfield when he went to the Comission in anno 1649, w^{ch} horse received some hurt in his jurny as the owner saith, and desires some further satisfaction then he hath had. The court declared themselues willing to satisfy any man in his just demands, yet conceive he had his hire for his worke, w^{ch} was a just recompence, but being it was for publike service, in w^{ch} they desire no man may suffer, they order that he shall haue twenty shillings more pd him by the treasurer of this jurisdiction.

It is agreed and concluded that the Gouvernor shall haue fifty pounds paide him this yeare ensuing out of the jurisdiction treasury, according as the same some was ordered to be pd him y^e last yeare.

It is ordered that a rate of two hundered pounds be levyed from the seuerall plantations in this jurisdiction, w^{ch} is to be paide according to their males and estates in due & equall pportions, w^{ch} is as followeth,

from Newhaven,	75	16	04	}	£	s.	d.
from Millford,	42	16	06				
from Guilford,	28	05	01				
from Stamford,	22	18	10				
from Southhold,	15	11	05				
from Brandford,	14	11	10				
					200	00	00

W^{ch} paye is to be made in good money, or merchantable beavor at price curreant, in wheat at 5^s p bush., pease or rie at 4^s p bush., in beefe at 8^d p ^l, or porke at 4^d, all good and merchantable, and when either beefe or porke is packed in caske, the salt and caske is to be added and alowed for, and if any man paye live cattell, they are to be prised by indifferrent men chosen for y^t purpose, or in any other paye w^{ch} may satisfy

the treasurer and answer the jurisdictions occasions. All w^{ch} is to be paide in to the treasurer at Newhaven betwixt this and the first of September next, vnder the same penalty as was ordered by the jurisdiction generall court the 27th of October, 1646.

The Court was informed that a complainte was made to the Gouvernor, lately being at Connecticote, by some Indians, that some of Southhold had taken away their gunns, w^{ch} was now inquired into & found to be so, and the deput' of Southhold informed the court y^t the Indian from whom the gun was taken caried it not well, so that there might be cause to take it from him or them, yet y^e towne were willing they should haue them againe, but some pticular psons that haue taken them are not willing, because by an order made in their towne the one halfe belongs to them, wherefore the court did now order that those gun or guns so taken be restored to the Indians againe, that no publique quarrell may be begun wth the Indians by vs vpon any such account, yet judg that the Indians should be warned that they cary it more inoffensively, or else they must know that y^e English will not beare it.

The Deputies of Stamford informed the court, that they haue bine at great charges in keepeing men to ward in the day time, for the soldiours that were pressed for the service, if the [11] warr || had gone on, haue bine vnder paye euer since, and bine as a guard to their towne in the day time. That the souldio^rs should be vnder paye, the court witnessed against it, for it was by no order of theirs, nor did any of the other townes keepe their souldio^rs vnder paye; yet in regard that they are a fronteere plantation and so may be in more danger then some others, and out of tenderness to them in these troublesome times, the court orders that towards their charges six poundes thirteene shillings foure pence shall be abated out of their part of the jurisdiction rate.

The Court was informed that the marshall hath spent much time aboute publique occasions, ouer and aboue what his place as marshall requires him to doe, for w^{ch} the court orders him to haue forty shillings pd by the treasurer, but agreed that

hereafter, for any such publique comon buisnes he bring in a pticular accot, that they may know what they allow him for.

It is ordered that John Harriman shall receive that paye he is to have of the jurisdiction, from any plantation where it is due, as he shall desire, in such paye as the plantation payes in, the propertie thereof not being altered.

It is ordered that estates of all the teaching elders in y^e jurisdiction shall hereafter be left out of the bills w^{ch} are brought in yearly to make vp the jurisdiction rate by.

The Court haueing heard sundrie reports of an vnsatisfying offensive way of cariag in some at Southhold, as those w^{ch} grow weary of that way of civill gouernment w^{ch} they haue for diuers yeares (and wth much comfort and safty) liued vnder, w^{ch} cariage of theirs tends to disturb the peace of the jurisdiction, and they the rather beleeeve it because of a late pittition presented to this court by the said inhabitants, w^{ch} is a trouble to them to see, wherefore these are first to desire that all such psons may see their miscariages & judg themselues for the same, and that euery man would rest himselve satisfied wth that way of gouernment w^{ch} God hath settled him vnder there; but if any shall not, but grow troublesome, this court doth then declare that they may not beare such disturbers, but must call them to acc^t for the same, and doe hereby require the deputies intrusted for civill affaires in that plantation that they giue notice of any such psons who shall be active in such courses, that they may bee proceeded wth according to their due deserts.

The Court considering that when they are dissolued & broken vp, there may be occasions present w^{ch} neede both counsell and power to be put forth in way of action for the good of the jurisdiction, as pticularly aboute the fitting vp the friggot at Connecticote, if she be brought heither, and ordering other things aboute her employment, or what else may fall in, therefore the court chose the magistrats of the jurisdiction, or the major pte of them, (they calling in what deputies they please,) as a comittee or counsell, who shall issue and determine any buisnes w^{ch} concerns the publique good as fully as if the court were present.

[12] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 3^d OF AUGUST, 1653.

PRESENT.

Magistrats.

Theophilus Eaton, Esq ^r , Gouverno ^r ,	} Newhaven.
Mr. Stephen Goodyear Dept' Gou.	
Francis Newman, Magistrate,	
Capt' John Astwood, for Millford.	
Mr. William Leete, for Guilford.	

Deputies.

Mr. William Gibbard,
Henry Lindon.
Benjamin Fenn,
Robert Treat.
Mr. Chittendine,
Mr. Jorden.
Richard Law,
Francis Bell.
Mr. Crane,
Liuutenant Swaine.

The Gouvernor acquainted the court wth the answer returned from y^e Massachusetts by Mr. Leete and Mr. Jorden, and severall wrightings were now reade to the court, first an answer from the gouverno^r himselfe, vnder his owne hand, and two other answers from the counsell, vnder the hand of Mr. Edward Rawson, Secretary, w^{ch} are as followeth, &c.

The Gouverno's first answer.

Hono^red Gentlemen, I haueing two dayes since received two letters and other wrightings from y^e two jurisdictions of Connecticote and Newhaven, addressed to myselfe, y^e Deputie Gouvernor, and our two co^mission^s, I read them ouer, and (after Capt' Hawthorne, one of our co^mission^s, had p^{rs}ed them,) I sent them away wth all speede to Mr. Symon Bradstreet, by a messenger of purpose, that so both our co^mission^s might consider of their answer to them; and being importuned

by Mr. Thomas Jorden, of Guilford, to wright some thinge vnder my hand in answer to the said letters and wrightings, wherein I can for the present neither satisfye myselfe nor any other man, seeing it concernes the generall court to answer them, wch I suppose they will when they assemble next, but now to call a generall court of purpose to such an end and at such a time as this is, vnless more vrgent necessitie did moue it, I cannot see how I shall be able to answer it to the cuntry, especially considering the generall court hath allready had so longe and large a debate aboute what is now further vrged, viz^d: a present warr wth the Duch, and the comission's of the Vnited Colonies, after all their long agitations, did not conclude anything aboute it, neither is their any new matter of weight that invites vnto it our comission's; if you please to give them a call I suppose they will be ready to answer it, and may be invested wth power as formerly wthout any limitation, yet I beleeeve the generall court will keepe their authority, so as not to act in so weightie a concernment as to send forth men &c., either to shed blood or to hazard the shedding of their subjects blood, except they can satisfy their consciences that God calls for it, and then it must bee cleere and not doubtfull, it must also be necessary & expedient, for a generall I conceive will not act implicitly, (being the cheife power and authority of the cuntry or colony,) in a designe of so high a nature, neither doe I thinke it was euer at first intended so to act against their consciences when they entered into confederation. I shall, (God willing,) wright more at large to my hono^red frend Mr. Eaton, the gouerno^r of Newhaven, when the wrightings are sent backe, meane while I rest,

Yor louing frend,

Salem the 14th of the
5th moneth, 1653.

Jo Endecott.

[13] *The Counsells first answer.*

Right Wor^{pp} & much honored,

The whole counsell being called together, and haueing read and considered yo^r letter and yo^r generall courts sence and construction of the Articles of Confederation.

The case is of great concernment and very weightie, and therefore wee desire that it may be further seriously weighed and throughly agitated, to the full satisfaction of all the colonies, wch is that which wee sincerely and earnestly desire. But inasmuch as the generall court hath so farr acted in the interpretation of the said Articles &c, wee hauing for the present no power to alter it, or to put any other construction y^m

till the generall court shall meete, w^{ch} wee intend to assemble on purpose the 30th day of August, w^{ch} is a day or two before the ordinary time of the meeting of the comission^{rs}. Wee hope the Lord will be pleased so to direct vs as wee shall loueingly and vnanimosly agree to our mutuall satisfaction, yo^{rs} and o^{rs}; for if you please to beleeve vs, wee are all desirous to continew our confederation in all respective loue and helpfullnes each to other. That w^{ch} wee aime at is that a right vnderstanding may be begotten betweene yo^rselues and vs touching the confederation; that being done, wee conceive nothing will hereafter obstruct our proceedings, either in peace or warr, but till then, in this case, wee know not how to raise forces according to yo^r desire. Wee much feare that you haue not so charitably construed the declareation of the generall court as was intended by them; wee are all bretheren and desire to behaue ourselues towards you, and hope wee shall not justly incurr, (when all things are duely weighed,) the reproach of covenāt breakers. But wee are not forward to except against such termes whereof there are to many, onely giue vs leaue to discharge our duties & consciences towards God and the people comitted to vs, which is that onely wee contend for, and w^{ch} wee hope you will not willingly abridge vs of. And for ourselues, touching the said Articles of Confederation, wee shall not further insist to vrge but that according to the words and gramatticall sence of the said Articles, the comission^{rs} haue power to iudg & determine the iustic of an offensive or vindictive warr, w^{ch} was of least consideration to our Generall Court in their declareation, yet doe thinke that vpon the generall and fundamentall grounds exprest in the said declaration, the power of the comission^{rs} in such cases doth necessarily require serious consideration, explanation, and if need be emēdaçon, by all the generall courts, for the honor of God and wellfare of posteritie in the severall jurisdictions, w^{ch} was the cheife thing intended in the said declaration, not to conclude the case, much less to breake the confederation, nor infringe the power of y^e comission^{rs} where it may stand wth fundamentall law and just libberties of the people.

By the Counsell wth y^e consent of y^e Comission^{rs}.

Boston, 21 July, 1653.

Edward Rawson, Secret.

[14]

The Counsells second answer.

Gentlemen, Wee cannot but comēd yo^r ingenuity in accepting our answer concerning the recalling the declareation of our generall court, & of our readines to comply wth the rest of our confederats, and for that end to put our colony vpon no

small difficultys by calling our generall court at an vnusuall time, that thereby yo^r colonies might vnderstand the true and genuine sence of the said declaration, wherevnto wee shall not doubt of their concurrenc. You are pleased also to take notice of our condesending to our frends, in that wee haue for the present waued the vrging of the Articles of Confederation in their litterall or gramatticall sence for the denying of power to the comission's to determine the justice of an offensive warr, w^{ch} wee acknowledg was not the cheife intendment in the said declaration; w^{ch} candor of yo^rs, acceptable to vs, wee could haue desired had continewed in all passages of yo^r wrighting, but wee cannot but observe that you are not satisfi'd w^{thout} compliance, but seeme willing to grow vpon vs, and to impose vpon our letters more then you will finde y^e gramatticall or logicall sence holdeth forth, w^{ch} if you please to review, wee doubt not but you will checke yo^r owne apprehensions, and spare vs the labour of instancing the pticulars.

Wee did neuer vnderstand any of the confederats had for euer silenced themselues, or divested themselues of the libbertie of speech for manifesting any greivance that might press them in the confederation, neither doe wee conceive a more ready means for one colony to communicate their thoughts vnto the other then by wrighting, much less can wee apprehend the tendency of such a practise to the breach of the confederacy, the imputation of w^{ch} wee must beare, and beleewe you doe it, not because you deny it, although in y^e same line yo^r arguments for it are so cleare to yo^r owne vnderstanding that you appeale to our owne judgments in the case; but if notwithstanding wee must remaine in yo^r judgments offendo^rs, wee hope you will doe equall justice to yo^r owne who came not short in the same kinde of offence, by their declaration that wee are called of God and man to warr vpon the Duch, w^{ch} wee conceive they haue bine labouring to proue, doth not belong to them but to the commission's to determine.

Giue vs leaue further to say you are mista[ken] in affirming our declaration did obstruct present proceedings to the hazarding of dangerous consequences to some off the confederats, for you will neuer be able to proue that the comission[s], whom you thinke meete to entitle a Corporation of Representati[ves], termes wee haue not bine acquainted with, and therefore pdon vs if wee vnderstand them not, wee meane six of them, w^{ch} is necessary in such cases, did euer determine a warr wth the Duch. We haue not therefore by our declaration hindered their pceedi[ngs] as you are pleased to insinu-

* "wth our" in the Massachusetts records, (MS.)

ate, and vpon that account wee suppose you may vnderstand our hands are bound from rays[ing] forces, because there was no agreement, allthough you doe [desire it.]

To yo^r motion that w^hout offence a meeting may be called [at] Newhaven for the manageing of the said matter, w^{ch} wee vnderstand to be the pretended agreement, wee suppose y^[ou] may now answer yo^rselues, the ground thereof fayling, [if there be any urgent occasion that require a meeting before the usual time so neare approachinge we doubt not but the magistrates of Newhauen understand their owne liberty by the articles of Confœderacy to the obseruance whereof we shall endeavour to apply our selues and the rather to prevent those imputations which may be greivous to us.

Wee thinke it necessary to giue some account why wee haue forborne to reply particularly, to the letters & remonstrances of your Gen^l court. It was not because we did not see or know not how to refute seuerall pticulars some mistaken, others wrongfully charged upon us, or that we wanted reasons to object against them or to defend the general grounds & reasons of our declaration. But that your Courts as well as our selues might be assured wee are studious of loue & peace and the continuance of our confœderation, and our differences might be more speedily composed at the propounded meeting w^{ch} otherwise would require (at such a distance) great lœnght of time, and in the issue might hazzard a miscarriage by reason of mistakes which are more easily remoued in p^rsence then by letters.

Voted by the Counsell, 22 July, 1653.]

* Here a leaf has been torn from the record, and the remainder of this letter is supplied from the archives of Massachusetts.

[17] ¶ to the said place and take a view of it and in whose possession it is, whether it be the land that the sagamore of that place gaue y^e gouernor and Mr. Goodyear, or whether the right is yet in the Indians hand, and if they finde that it will answer the end propounded, that he then purchase it for the jurisdiction and speedily send the gouernor or the comitte word how hee finds things and what hee hath done therein.

The Court considering of the provisions that were formerly staide for the vse of the jurisdiction, and seeing there is now (through the blessing of God) corne in the barne, and flesh may bee had out of the feild if there be occasion, did now order, that those provisions of corne, flesh and butter, bee sett att libbertie for the owners to dispose of as they shall see cause, according to that law that prohibbitts the exportation of pvnsions, made March 29th, 1653.

The order made at the generall court in May last for keeping foure horses in Newhaven and two in each other towne for the cuntry service, vpon such hire and termes as is therein expressed, is now repealed in all y^e pticulars of it.

The Court was acquainted that some money hath bine taken vp for the service of the jurisdiction vpon sundrie occasions, as foure pounds of Edward Wigglesworth, when the comission^{rs} went to Boston in Aprill last, and fve pounds of John Harriman, when Mr. Lecte and Mr. Jorden went to Boston in July last, and fve or six pounds is necessary to be provided for the comission^{rs} to cary wth them now in their next goeing, and therefore some course must bee taken to procure sillver to discharge those debts and to answer this present occasion. The court desired Captaine Astwood and Benjamin Fenn to treate wth Ensigne Bryan or James Roggers, to see if they can gett silver or beavor for other paye, though wth good allowance, to answer these things; but if that cannot bee, that then so much butter bee gott to cary into the Bay as will sell for money to make vp this so^{me}, but if that will not be procured, then so much of this corne that came from Guilford must bee carried and sould as well as it can, to procure siluer to answer these seuerall ingagements.

The Deputies of Stamford acquainted the court that there is

in their towne some that doe worke great disturbance, professing they will paye no rates to these comon charges, because nothing is done against the Duch, and some saying they haue bine in bondage a greate while, but now they will haue their libbertie, and being reproued for the same and told they must bee bound ouer to answer it here, another answered, one and all. Wherefore the court doth advise the deputies to cary it as prudently and peaceably as they can and to gather vp these rates due, but if by faire meanes (for the court is not willing to deale harshly in these times if it may be avoyded) it cannot be attained, but some in a stubborne way refuse and grow boysterous in their spirits, working disturbance and giuing ill example to others, that then they give notice thereof to the gouernor or deputie gouernor, who are ordered by this court to send a warrant from hence to binde such psons ouer to answer it at the court of magistrats in October next.

The Court considering the many complaints that haue bine made from the Bay of the ill packing of flesh, and the great damage that some men haue suffered thereby, did now order that in every plantation in this jurisdiction there shall be publique packers chosen, one, two, or more as the plantation shall [18] see meete, who shall packe all || beefe, porke or vension that shall be for sale, and onely in such caske as are allowed, marked wth the coopers knowne and constant marke, w^{ch} are to conteyne full thirty one gallons, or w^{thin} halfe a gallon ouer or vnder, and to packe it well and close, and none but such as is merchantable and equally sorted, better and worser together in a barrell, in due proportion round the beast, w^{thout} heades or feete, w^{ch} packers shall be vnder oath to deale truely and faithfully in this trust; and for their paines and time spent, & the penalty if any shall breake this order by selling flesh not packed by the said packers, it is left to every plantatiō to order and sett it so as they see cause.

The dispose of the beare that was brewed for the soldiours is referred to the two deputies of Newhaven, to doe it as well as they can for the good of the jurisdiction.

The Court was informed that Mr. Augar and John Brocket haue spent much time in pviding things for the soldiours if

they had gone out to warr, many of w^{ch} things being made vp will bee loss to them, a note whereof Mr. Augar presented to the court, amounting to five pounds twelue shillings, and desired the court to take the things and paye him for them, or to alow him forty shillings for his time and loss in them and he would keepe them. The court considered his pposition and agreed rather to paye him forty shillings then to take the things, and ordered y^t he should haue so much paide him out of the treasury.

And for John Brocket who spent much time and pvided some things for the same service, it is left to the magistrats of Newhaven to agree wth him as well as they can, and to alow him as they see cause.

It is ordered that the marshall shall haue tenn bushells of the wheat that came from Guilford in pt of his sallary for the jurisdiction.

It is ordered that all trade bee prohibbitted wth the Duch till this court at their next session give further order, by w^{ch} time they may vnderstand from the other colonies what they doe in the like case; onely in case of debts allready due to any there, if they shall be made to appeare that they are reall debts, (and doe beforehand make entrie thereof,) that no new debts be made to delude this order, and y^t there is a free course at the Manhatoes to paye debts belonging to those in this jurisdiction, w^{thout} obstruction from publique authority, then just debts may bee paide in wampom or other things not prohibbitted; but if by authority there, debts due to those of this jurisdiction bee stopped, then debts due to them from hence shall be stopped also; and whosoeuer shall by any meanes directly or indirectly breake this order, shall forfeite the valew of the debts or things traded to the jurisdiction.

[19] AT A COURT OF MAGISTRATS HELD AT NEWHAVEN FOR
THE JURISDICTION, THE FIRST OF JULY, 1653.*

PRESENT.

Theophilus Eaton, Gouvernor.

Mr. Stephen Goodyeare, Dept' Gou'.

Francis Newman, Magistrat for Newhaven.

Capt' John Astwood, Magistrat for Millford.

Edward Hull was called before the court and complained of for makeing great disturbance at Millford, carying it in such a mañer towards the jurisdiction and authority thereof (at Millford) as is not to be borne. The suñ of w^{ch} complainte was presented to the court in a wrighting now read, vnder the hand of Mr. William Fowler, magistrate, and Robert Treat, one of the deputies, that the said Edward Hull, did in Millford harbour make seizure of Thomas Baxsters boate, w^{ch} he knew was before seized for the service of the cuntry, yet hee would proceede, and not onely so, but also after he knew it was seized for Mr. Goodyeares pticular debte, he brake open the cabine, tooke away a gunn, a grapline and some cordidg, and caryed it away, and when a warrant was sent after him from the magistrate to come to him to answer, he refused, saying he would come againe shortly that way and make his answer, w^{ch} not long after he did, but then stood to justify what he had done, though his coñmission will not warrant him therein, but beside this he brake out into many high words and threatening speeches, as that he might not onely seize her but cary her away if hee were able, or else fire her or take away any thing from her, and any that should wthstand him herein should answer it; and vpon demand of security to come to a tryall and answer for what he had done, he said that hee hoped the rest of his company would come and sett him at libbertie, and that he hoped the Duch would come speedily and cut some of vs of, and other threatening offensive words, w^{ch} will be proued by sufficient witnesses at Millford, adding

* In margin, "This Court should have bine entred before y^e last generall Court, but omitted."

that now he was a prisoner he would drinke nothing but sacke and suger, and that he would shortly come & beate downe their mill.

Edward Hull said it is true he seized the boate, but first went to y^e magistrate and told him that it was prize, and though it is true he heard she was seized for the cuntrys vse, yet the magistrate told him she was released, w^{ch} Mr. Fowler in y^e said wrighting fully denyes, and the said Edward Hull could not now proue. Hee was asked what co^mission he had to doe these things, wherevpon hee shewed his co^mission w^{ch} was read to the court, but nothing found therein to justify him in these cariages, but rather the contrary, for they w^{ch} granted him his co^mission at Road Island put in that clause, that he should cary himselfe civilly where hee comes, w^{ch} he hath not attended; beside his co^mission is to take but Duch vessells, or such as are enemies to the Co^monwealth of England, w^{ch} he could not proue in this case, Thomas Baxster being an English-man and one that hath declared himselfe a frend to the English, and though he hath lived amounge the Duch, yet now he hath deserted them, and his verrey [20] || liuing among them formerly doth no more declare him an enemy then Capt' Vnderhills doth declare him so. After sundrie debates of this nature, the said Edward Hull and others that stood by saw that his co^mission would not beare him out in what hee had done, yet hee continewed in his justification, vttering some high words and offensive speeches before the court; wherevpon the court told him that if hee justifie himselfe in this and intends to pceede in such wayes to the disturbance of the colonies, the court must consider of another way then they yet thought of, that is to send him to England, to answer it there, and then hee will see whether y^e Parliament will justify him in such courses as these, and thinke him a fitt man to bee betrusted wth a co^mission w^{ch} caries it in this manner to the Parliaments frends, thus to threaten them and hope that the Duch, the Parliaments and our enemies, will speedily come and cut some of vs of.

After w^{ch} hee desired a little respite to consider, w^{ch} was granted, and quickly came before the court againe and ac-

knowledged y^t by this debate wth the court he saw the compass of his co^mission more then euer hee did before, and doth see that hee hath in this buisnes gone beyonde his co^mission and is verrey sorrey for it, and for giueing out such speeches as hee hath done in his hast and passion, and desires the court to pass it by, and hee promiseth to be more wary in attending his co^mission for time to come; vpon w^{ch} acknowledg^ment the court was willing for this time to pass it by wthout any further trouble to him.

Ensigne Bryan was complained of, that when he vnderstood from Edward Hull what hee intended to doe in takeing those things out of the boate, yet hee did not acquainte the magistrate wth it but countenanced him therein by goeing along wth him, w^{ch} held forth as if he approved the action, though hee knew beside y^e seizure made for y^e cuntry ther was an attachment laid vpon boate and goods for M^r. Goodyeare for a pticular debte, and that hee himselfe became suretie that y^e boate and goods should bee safely preserved for M^r. Goodyeares vse, w^{ch} cariage in respect of the publique, Ensigne Bryan was told is contrary to his oath of fidellitie taken to the jurisdiction, w^{ch} things Ensigne Bryan acknowledged was true and confest it was his greate fault so to doe, and had hee considered his way he should haue done otherwise. The court considering that Ensigne Bryan acknowledgeth his miscarriage, and hoping it will be a warning to him hereafter, and vpon the desire of the deputies of Millford, who prosecuted in y^e case, they past it by wthout any further trouble to him at present.

[21] AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR
THE JURISDICTION, AUGUST, 4th, 1653.

PRESENT.

Theophilus Eaton, Gouvernor.

Mr. Stephen Goodyear, Dept. Gou.

Francis Newman,

Capt' John Astwood, } *Magistrats.*

Mr. William Leete, }

M^{rs}. Elizabeth Godman accused goodwife Larremore that one time when she saw her come in at goodman Whitnells she said so soone as she saw her she thought of a witch. Goodwife Larremore said that one time she had spoken to that purpose at Mr. Hookes, and her ground was because Mr. Dauenport aboute that time had occasion in his ministry to speake of witches, and showed that a froward discontented frame of spirit was a subject fitt for y^e Devill to worke vpon in that way, and she looked vpon M^{rs}. Godman to be of such a frame of spirit, but for saying so at goodman Whitnells she denyes it. M^{rs}. Godman said, goodman Whitnells maid can testify it. The maid was sent, and when she came she said she heard M^{rs}. Godman and goodwife Larremore a talking, and she thinkes she heard goodwife Larremore say she thought of a witch in y^e Bay when she see M^{rs}. Godman. Goodwife Larremore further said that M^{rs}. Godman had her before the gouernor for this, and the gouernor asked her if she thought M^{rs}. Godman was a witch, and she answered no.

M^{rs}. Godman was told she hath warned to the court diuers psons, viz^d: Mr. Goodyeare, M^{rs}. Goodyeare, Mr. Hooke, M^{rs}. Hooke, M^{rs}. Atwater, Hanah & Elizabeth Lamberton, goodwife Larremore, goodwife Thorpe, &c., and was asked what she hath to charge them wth, she said they had given out speeches that made folkes thinke she was a witch, and first she charged M^{rs}. Atwater to be y^e cause of all, and to cleere things desired a wrighting might be read w^{ch} was taken in way of examination before y^e magistrate, (and is hereafter entred,) wherein sundrie things concerning M^{rs}. Atwater is specified w^{ch} were now more fully spoken to, and she further

said that M^{rs}. Atwater had said that she thought she was a witch and that Hobbamocke was her husband, but could proue nothing, though she was told that she was beforehand warned to prepare her witnesses ready, w^{ch} she hath not done, if she haue any. After sundrie of the passages in y^e wrighting were read, she was asked if these things did not giue just ground of suspition to all that heard them that she was a witch. She confessed they did, but said if she spake such things as is in M^r. Hookes relation she was not herselfe. She was told she need not say, if she spake y^m, for she did at the gouerno^rs* before many witnesses confess them all as her words, though she made the same excuse that she was not in a right minde; but M^{rs}. Hooke now testified she was in a sober frame and spake in a diliberate way, as ordinarily she is at other times. Beside what is in the papr, M^{rs}. Godman was remembred of a [22] passage spoken of at the gouerno^rs || aboute M^r. Goodyeares falling into a swonding fitt after hee had spoken something one night in the exposition of a chapter, w^{ch} she (being present) liked not but said it was against her, and as soone as M^r. Goodyeare had done duties she flung out of the roome in a discontented way and cast a fierce looke vpon M^r. Goodyeare as she went out, and imediately M^r. Goodyeare (though well before) fell into a swond, and beside her notorious lying in this buisnes, for being asked how she came to know this, she said she was present, yet M^r. Goodyeare, M^{rs}. Goodyeare, Hanah and Elizabeth Lamberton all affirme she was not in y^e roome but gone vp into the chamber.

After the agitation of these things the court declared to M^{rs}. Godman, as their judgment and sentence in this case, that she hath vnjustly called heither the seuerall psons before named, being she can proue nothing against them, and that her cariage doth justly render her suspicious of witchcraft, w^{ch} she herselfe in so many words confesseth, therefore the court wisheth her to looke to her carriage hereafter, for if further prooffe come, these passages will not be forgotten, and therefore gaue her charge not to goe in an offensive way to

* In margin, " July 21 : 53."

folkes houses in a rayling manner as it seemes she hath done, but that she keepe her place and medle wth her owne buisnes.

The examination of Elizabeth Godman, May 21th, 1653.

Elizabeth Godman made complainte of Mr. Goodyear, M^{rs}. Goodyear, Mr. Hooke, M^{rs}. Hooke, M^{rs}. Bishop, M^{rs}. Atwater, Hanah & Elizabeth Lamberton, and Mary Miles, M^{rs}. Atwaters maide, that they haue suspected her for a witch; she was now asked what she had against Mr. Hooke and M^{rs}. Hooke; she said she heard they had something against her aboute their soone. Mr. Hooke said hee was not wthout feares, and hee had reasons for it; first he said it wrought suspition in his minde because shee was shut out at Mr. Atwaters vpon suspition, and hee was troubled in his sleepe aboute witches when his boye, was sicke, w^{ch} was in a verrey strang manner, and hee looked vpon her as a mallitious one, and prepared to that mischeife, and she would be often speaking aboute witches and rather justifie them then condemne them; she said why doe they provoake them, why doe they not let them come into the church. Another time she was speaking of witches wthout any occasion giuen her, and said if they accused her for a witch she would haue them to the gouernor, she would trounce them. Another time she was saying she had some thoughts, what if the Devill should come to sucke her, and she resolued he should not sucke her. Mr. Hooke said another thing w^{ch} strengthened his feares was, that whateuer was done in y^e church meetings she would know it presently, and his sonn John was vexed at it, and she being then questioned aboute it said some of the members told her, she was asked who, and she instanced brother Whitnel, concerning the agreement for catichizing, and some sisters she said told her some thing, but named none [23] nor what they told her. Jane Hooke said M^{rs}. || Elzebeth could tell sundrie things that was done at y^e church meeting before meeting was done, as aboute Delaware Bay, aboute Mr. Cheever, and aboute goodman Lamson and some other things. Time, Mr. Hookes Indian, said in church meeting time she would goe out and come in againe and tell them what was done at meeting. Time asking her who told, she answered plainly she would not tell, then Time said did not

y^e Devill tell you. She was also accused for talking and muttering to herself; testified by Henry Boutle and some others. Time said she heard her one time talking to herself, and she said to her, who talke you too, she said, to you; Time said you talke to y^e Devill, but she made nothing of it. Mr. Hooke further said, that he hath heard that they that are adicted that way would hardly be kept away from y^e houses where they doe mischeife, and so it was wth her when his boy was sicke, she would not be kept away from him, nor gott away when she was there, and one time M^{rs}. Hooke bid her goe away, and thrust her from y^e boye, but she turned againe and said she would looke on him. M^{rs}. Goodyeare said that one time she questioned wth Elizabeth Godmand aboute y^e boyes sickness, and said what thinke you of him, is he not strangely handled, she replied, what, doe you thinke hee is bewitched; M^{rs}. Goodyeare said nay I will keepe my thoughts to myselfe, but in time God will discover.

It was also said that it is suspitious that she hath put y^e boyes sickness vpon some other cause, as that he had turned his braines wth sliding, and said the boye would be well againe, though he was handled in such a strange manner as the docter said hee had not mett wth the like. Mr. Goodyeare asked her if she was not the cause of his disease, she denyed it, but in such a way as if she could scarce denye it.

Mr. Hooke further said, that when Mr. Bishop was married, M^{rs}. Godman came to his house much troubled, so as he thought it might be from some affection to him, and he asked her, she said yes; now it is suspitious that so soone as they were contracted M^{rs}. Byshop fell into verrey strang fitts w^{ch} hath continewed at times euer since, and much suspicion there is that she hath bine the cause of the loss of M^{rs}. Byshops children, for she could tell when M^{rs}. Bishop was to be brought to bedd, and hath giuen out that she kills her children wth longing, because she longs for every thing she sees, w^{ch} M^{rs}. Bishop denies; and being required to giue an instance, she said M^{rs}. Hooke said M^{rs}. Bishop longed for some pease, but that made against her when M^{rs}. Hooke was spoken wth, and Jane Hooke said that M^{rs}. Godman said to her M^{rs}.

Byshop was much giuen to longing, and that was the reason she lost her children. Another thing suspitious is, that she could tell M^{rs}. Atwater had figgs in her pocket when she saw none of them; to that she answered she smelt them, and could smell figgs if she came in the roome, nere them that had them; yet at this time M^{rs}. Atwater had figgs in her pocket and came neere her, yet she smelt them not; also M^{rs}. Atwater [24] said that M^{rs}. Godman || could tell that they one time had pease porridge, when they could none of them tell how she came to know, and beeing asked she saith she see y^m on the table, and another time she saith she was there in y^e morning when the maide set them on. Further M^{rs}. Atwater saith, that that night the figgs was spoken of they had strangers to supper, and M^{rs}. Godman was at their house, she cutt a sopp and put in pann; Betty Brewster called the maide to tell her & said she was aboute her workes of darkness, and was suspitious of M^{rs}. Godman, and spake to her of it, and that night Betty Brewster was in a most misserable case, heareing a most dreadfull noise w^h put her in great feare and trembling, w^h put her into such a sweate as she was all on a water when Mary Miles came to goe to bed, who had fallen into a sleepe by the fire w^h she vsed not to doe, and in y^e morning she looked as one y^t had bine allmost dead. M^{rs}. Atwater said she told M^{rs}. Godman of sundrie things w^h render her suspitious, and forwarned her of her house; she said she would haue her to y^e court, M^{rs}. Atwater said very willingly; yet the next night she came theither againe for beare.

M^{rs}. Godman accused M^r. Goodyeare for calling her downe when M^{rs}. Bishop was in a sore fitt, to looke vpon her, and said he doubted all was not well w^h her, and that hee feared she was a witch, but M^r. Goodyeare denyed that; vpon this M^{rs}. Godman was exceeding angrie and would haue the servants called to witnes, and bid George the Scochman goe aske his master who bewitched her for she was not well, and vpon this presently Hanah Lamberton (being in y^e roome) fell into a verrey sore fitt in a verrey strang maⁿer.

M^{rs}. Godman said the reason of her saying as before was because M^{rs}. Goodyeare a little before said they was bewitch-

ed. M^{rs}. Goodyeare said she said not so, but she and her daughter went to M^{rs}. Godman and said some thought they were bewitched, and said here is a poore weake woman, (meanning M^{rs}. Bishop,) what thinke you of her, some haue thought she is bewitched; she laughed and said alas who should bewitch her, she had a cousin was so; M^{rs}. Goodyeare said, if there be any such psons, she was pswaded God would finde them out and discover them, for, said she, I never knew a witch dye in their bed; M^{rs}. Godman answered you mistake, for a great many dye and goe to the graue in an orderly way.

Another time M^{rs}. Goodyeare said to her, M^{rs}. Elzebeth what thinke you of my daughters case; she replied what, doe you thinke I haue bewitched her; M^{rs}. Goodyeare said if you be the ptie looke to it, for they intend to haue such as is suspected before the magistrate.

M^{rs}. Godman charged Hanah Lamberton that she said she lay for somewhat to sucke her, when she came in hott one day and put of some cloathes and lay vpon the bed in her chamber. Hanah said she and her sister Elizabeth went vp into the garret aboue her roome, and looked downe & said, looke how she lies, she lyes as if some bodey was sucking her, & vpon that she arose and said, yes, yes, so there is; after said Hanah, she hath something there, for there seemed as if something was vnder the cloathes; Elizabeth said what haue you there, she said nothing but the cloathes, and both Hanah & Eliza. say that M^{rs}. Godman threatened Hanah, and said let her looke to it for God will bring it vpon her owne head, and aboute two dayes after, Hanahs fitts began, and one night especially had a dreadfull fitt, and was pinched, and heard a hedious noise, and was in a strang manner sweating and burning, and some time cold and full of paine y^t she shrieked out.

Elizabeth Lamberton saith that one time y^e children came downe & said M^{rs}. Godman was talking to herselfe and they [25] were afraide, || then she went vp softly and heard her talke, what, will you fetch me some beare, will you goe, will you goe, and y^e like, and one morning aboute breake of day Henry Boutele said he heard her talke to herselfe, as if some body had laine wth her.

The 24th of May, 1653.

M^{rs}. Godman being examined, (Mr. Dauenport being present,) she was asked why she said M^{rs}. Bishop longed allmost for every thing she see, and when she could not haue it, that was the cause of her fainting fitts and y^e loss of her children; she said she heard something of M^{rs}. Hooke to that purpose, that she longed for pease, but M^{rs}. Hooke being sent for denyed that euer she told her so, and Jane Hooke being present said M^{rs}. Godman told her that M^{rs}. Bishop was much giuen to longing and that was the reason she lost her children, and Hanah Lamberton said M^{rs}. Godman told her so also, and M^{rs}. Bishop said another woman in y^e towne told her that she had heard M^{rs}. Godman say as much, so that she could not denye it; she was told she hath much inquired after the time of M^{rs}. Bishops delivery of her children, and would speake of it so as M^{rs}. Goodyeare and her daughters marveled how she could know, and Hanah Lamberton one time told her mother that M^{rs}. Godman kept her sisters count; she was asked the reason of this and of her saying M^{rs}. Bishop was so giuen to longing as it was a meanes to lose her children when it was not so; she said she could giue no reason, then she was told it was a high slander vpon M^{rs}. Bishop, she said she can say nothing but must lye vnder it.

M^{rs}. Goodyeare said when M^r. Atwaters kinswoman was married M^{rs}. Bishop was there, and the roome being hott she was something fainte, vpon that M^{rs}. Godman said she would haue many of these fainting fitts after she was married, but she saith she remembers it not; she was told she hath also said that M^{rs}. Bishop hath had such fitts of a child and Hanah Lamberton said she told her so, w^{ch} thing is not; M^{rs}. Godman says she denyes it not but she remembers it not; she was asked the reason why she should reporte these things if it were not to hide some other things w^{ch} she would not haue discovered, and to hide these fitts, therefore giue a reason; she said she cannot tell the reason.

Goodwife Thorp complained that M^{rs}. Godman
June 16th,
1653. came to her house and asked to buy some chickens,
she said she had none to sell, M^{rs}. Godman said will

you giue them all, so she went away, and she thought then that if this woman was naught as folkes suspect, may be she will smite my chickens, and quickly after one chicken dyed, and she remembred she had heard if they were bewitched they would consume w^hin, and she opened it and it was consumed in y^e gisard to water & wormes, and diuers others of them droped, and now they are missing and it is likely dead, and she neuer saw either hen or chicken that was so consumed w^hin w^h wormes. M^{rs}. Godman said goodwife Tichenor had a whole brood so, and M^{rs}. Hooke had some so, but for M^{rs}. Hookes it was contradicted presently. This goodwife Thorp thought good to declare that it may be considered w^h other things.

[26] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE JURISDICTION, OCTOBER 12th, 1653.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r. Gouvernor.

Mr. Stephen Goodyear, Dept. Gouvernor.

Francis Newman, Magistrat for Newhaven.

Capt. John Astwood, Magistr^t for Millford.

Mr. William Leete, Mag: for Guilford.

Deputies.

Mr. Gibbard, }
Henry Lindon, } Newhaven.

Benja: Fenn, }
Robrt Treat, } Millford.

Leutennant Chittenden, }
Mr. Jorndan, } Guilford.

Jasper Crane, }
Sam: Swaine, } Brandford.

The Gouvernor and Capt. Astwood acquainted the court w^h the proceedings of the comission^{rs} at Boston at their last meeting in September, and first w^h the debate they had for tenn dayes w^h the Massachusetts Generall Court, before they could

sitt as Cõmission^{rs}, and after wth what they did when the cõmission^{rs} satt, all w^{ch} wrightings were read to the court. What y^e cõmission^{rs} of this collony did the court approved, but considering what the Massachusetts Generall Court and Counsell haue done, this court all agreed and cannot but declare that they haue broke their covenant wth vs, in acting directly contrary to the articles of confederation; vpon w^{ch} consideration this court sees themselues called to seeke for help elsewhere, and can conclude of no better way then to make their addresses to the State of England, and for the more full proceeding therein, agreed to acquaint Connecticote Collony therewth, and desired the gouerno^r to wright a letter to that purpose to M^r. Haines, gouerno^r there, as also to desire a treaty wth them, (by a cõmittee chosen by their generall court, to joyne wth a cõmittee of this court,) here at Newhaven aboute this, and also aboute and concerning the Indians, whose spirits are stirred, wanting the help from the English w^{ch} they expected; and for the better furtherance and more full prosecution of this buisnes in England, the court vnderstanding that Capt. Astwood is speedily to take a voyage theither aboute his owne necessary occasions, did desire and appointe him for this service, and agreed that a letter should be written from this court to M^r. Hopkins to intreate him to be helpfull and assistant to Capt. Astwood in this matter; and that wrightings be sent from hence w^{ch} may fully declare the case as it is in the compass of it so farr as is necessary, w^{ch} wrightings are to bee signed as both the cõmittees shall agree, in the name of both the generall courts, and to desire help of shipping from England and what other force they thinke fitt, that if they see good meanes may be [vsed]

[27] || And to this purpose it was conceived and voted, that the declaration to the Lord Generall, fully informing the present state of the westward colonies, may close and bee concluded, That vnless the Duch bee either remoued or (so farr at least) subjected that these colonies may bee freed from injurious affronts and securied against the dangers and mischeivous effects w^{ch} dayly grow vpon them by their plotting wth the Indians and furnishing them wth armes agst the English,

and that the league and confederation betwixt the foure vnited English colonies be confirmed and setled according to the true sence and, till this yeare, the continewed interpretation of the articles, the peace and comforts of these smaller westerne colonies will be much hazarded, and are like to be more and more impaired, but as they conceive it their duty thus fully to present their afflicted condition to yor Exelency, so they humbly leaue themselues, wth the remedies, to yor consideration & wisdom.

The co^mitte^e chosen by this court to treat^e wth a co^mitte^e from Connecticote is the gouernor, Mr. Leete, Benjamin Fenn, and Mr. Crane, not excluding the other magistrats of Newhaven and leauing Capt. Astwood to come as he thinkes good and his occasions will giue way; and after both co^mittees haue mett, this court desires that the colony of Plymouth may be acquainted wth what they shall conclude vpon, that so if it may bee, they may haue their concurrence in the buisnes also; and if both the co^mittees shall agree vpon any expedition against the Narragansets, then it is ordered that this court will meete againe to consider of it.

A letter from the Massachusetts Generall Court to this Court was presented and read, wherein they desire that this court would appointe a co^mitte^e to meete and consider the Articles of Confederation, because some things in them wants explanation, and some alteration; in w^{ch} letter they also ppound foure queries to be answered, all w^{ch} the court considered of and by vote declared, that they see no cause to chuse any co^mitte^e for that purpose. The Articles of Confederation in their judgment wants neither alteration nor explanation, and they are fully satisfyed in them as they are; and for the foure queries ppounded, they conceive they are easily answered, and doe desire and intreate the gouernor on their behalfe to draw vp an answer and send it to them, so soone as conveniently he can.

The letter from y^e Massachusetts Court.

Honored Freinds, To yor answer of our declaration (so ill resented by you) wee made no reply but pposed a more speedy way (in our apprehensions) to prevent all misvnderstanding

and composing any differrent apprehensions concerning the true sence and meaning of our confederation, & in pursuance thereof our Generall Court assembled the day before the meeting of the Cõmission's, to whose considerations wee p'sented some propositions to that end, but after some expence of time wee were satisfyed our endeavours would proue fruitless through want of power on their parts; wee resolved therefore as wee haue declared in our returnes to them, of w^{ch} you may be fully certified by yo^r cõmission's, to address ourselues to the severall generall courts our confederates, to present our desires of a right vnderstanding of the articles of our confederation, being induced therevnto by the differrent app'hensions w^{ch}, (to our grieffe,) are arisen amongst vs, and if wee haue offended by a possitive declaration of our owne sence of [28] || the articles, let it be accepted in pt of satisfaction that wee doe at present presume no further then to propound some queries to yo^r consideration, the resolution of w^{ch} shall not onely bee w^{thout} offence, but that w^{ch} wee desire, and will much conduce to begett a right vnderstanding betweene vs.

1. Whether the reason of the cõmission's be the reason of all y^e gen^{ll} courts.

2. Whether notwithstanding the determination of the cõmission's, the courts, in cases of great concernmt, ought not to be satisfyed of the justice of their determinations before they pceede to act.

3. Whether it can consist wth the preservation of entire power of gouernment reserved to the seuerall jurisdictions, that the juridicall or authoritative determination of peace and warr should be in the hands of six cõmission's, who as such are not members of any court, and may pbably be no members of a dissenting jurisdiction.

4. Whether the cõmission's, as cõmission's, be subject to the gen^{ll} courts of the seuerall jurisdictions to w^{ch} they belong, or the jurisdictions and generall courts be subject to the cõmission's.

The Articles wee conceive give occasion for these and many other questions of the like nature, and therefore need explanation or reconciliation according to the true nature of a confederation, w^{ch} is the preservation of the power of gouernmt of euery jurisdiction, not the stateing of any power in cõmission's otherwise then subordinate and subservient to that end.

The concordance of yo^r answer (in these pticulars) wth our apprehensions, will put and end to our differences and begett a right vnderstanding betweene vs.

But because wee cannot assure ourselues thereof in euery pticular, and being seriously desireous of the continewation of

our amitye, wee propose to yo^r consideration that a co^mmittee be chosen by each jurisdiction to treat & agree vpon such explanation or reconsiliation of the Articles of Confederation as shall be consistent wth our true meaning, the nature of a confederacy, and the power and authority of euery gouernment, w^{ch} being preserved to the seuerall generall courts, may be acknowledged, ratified and confirmed, the endeavouring whereof wee accompt the duty of

Yo^r louing frends and confederates,

The Generall Court of the Massachusetts.

Boston, 13th of
September, 1653.

Edward Rawson, Secret.

The answer to the foregoing letter.

Much Honnoured Gentlemen, Vpon the receipt of yo^rs, dated September 13th, 1653, wee have perused and considered what passed betwixt yo^rselues and the co^mmission^rs, wth the vncomfortable conclusion of the last meeting; wee hoped the answers sent from the generall courts of Connecticote and Newhaven to yo^r vnexpected interpretation might haue cleered the Articles of Confederation and prevented those latter agita-
[29] tions, if according to the words and gramatticall || sense, the co^mmission^rs have power to iudge & determine the justice of an offensive or vindictive warr, as yo^r counsell and co^mmission^rs in their letter to the gouernor of Newhaven, dated July 21th, 1653, granted, and yo^rselues seeme to confirme in the former pt of yo^r first wrighting sent to the co^mmission^rs at their last session; wee suppose they haue the same power in defensive warrs, leagues, aydes, &c., but confess what followes in yo^r said wrighting is to vs darke, if not a contradiction. They haue no power to iudge and determine in the premises or any pt of them. They doe but beate the ayre, consider and conclude in vaine, if none of the colonies be obliged to act according to their determinations. Wee grant (as the co^mmission^rs themselves haue done,) that if any of their determinations prove manifestly vnjust, (w^{ch} wee haue not yet heard of,) they ought to be laide aside. It is better to obey God then man, to obey God then generall courts or co^mmission^rs, &c., which being promised and duely applied to what followeth, we pass on to yo^r foure queries, & conceiue,

1. That as the reason of the magistrats and deputies in each of the colonies, in what is peculier to them, is the reason of y^e colony, so the reason of eight or six co^mission^rs, chosen and invested, &c., according to the Articles, is the reason of the confederates in matters proper to the confederation.

2. That the co^mission^rs, in the scope of the Articles and intention of the confederates, are the representatives of the colonies, who virtually meete and determine in and by them, and in severall cases sometimes one of the generall courts, sometimes another may not see, or will not profess to see, satisfying light, but euery scruple admitted to stopp proceedings may prove verely prejudiciall to the colonies & soone breake the confederation.

3. The peculier jurisdiction and gouernment of one single colonie may be well distinguished from the power and trust of the co^mission^rs. The former wee conceive consists in makeing, repealing and executing lawes, choosing their owne officers, and all things of like nature, wherein themselves are onely concernd. The latter in affaires of warr, peace, leagues, aydes, &c., wherein all the colonies by their confederation are equally interressed, as is cleerly & fully exprest in the sixt Article, so that these are no wayes inconsistent. The freemen in each colony doe or may yearly choose such co^mission^rs as in whom they may best confide, not onely members but if they please officers of their courts, but in each generall court lawes & conclusions pass by most voyces, though the deputies of some pticular plantations interressed dissent.

4. The co^mission^rs, as co^mission^rs, are liable and may be called to account for the discharge of their trust, and to censure for vnfaithfullnes, and so subject to the gen: courts to w^{ch} they severally belong, but wthall these foure gen: courts haue joyntly and severally, for themselves and their posterities, entred into a firme and perpetuall covenant to act according to the determinations of eight or six of their co^mission^rs in the affaires of the confederation.

[30] || So that though these and many other questions may be ppounded, yet out of the Articles duely considered, satisfying answers may be giuen. The power of the co^mission^rs is

& ought to be subordinate and subservient to the safety & welfare of the confederates, and neither doth nor may in-croach vpon the peculier jurisdiction reserved to each colonie in pticular.

Wee yet see no cause to chuse or send a cõmittee, either for explication or alteration of any of the Articles; were all our spirits in as right a frame to keepe the covenants as tenn yeares since to enter and make them, wee suppose these disputes would soone be at an end; but when we consider what hath passed this summer concerning the Duch, both in refference to the vnjust warr they haue begun and still prosecute against the Cõmonwealth of England, the former hostile wronges some of the colonies haue here susteyned, for w^{ch} no satisfaction can be obteyned, and y^e late bloody conspiracy, w^{ch} (as yo^r reverend elders acknowledg) God in speciall fauour hath discovered, and vpon what (in themselues) satisfying grounds seven of the cõmission^rs voted a warr against Niñigret, (a conspirato^r wth, and agent for the Duch,) and agreed the numbers of men to be sent forth, according to w^{ch} all the colonies were by solemne covenant ingaged to act, but find that the councell for the Massachusets denyed to raise forces for that service, not so much as alleadging that any thing in y^e cõmission^rs determination was vnjust or contrary to rule, but onely that they see not sufficient ground to vnder-take the warr, w^{ch} any generall court (in the justest determinations) may at any time affirme or pretend; but such refusall (as yo^rselues well knew and thereof, anno 1648, minded y^e cõmission^rs,) is a breach of league and covenant. And compareing it wth yo^r strang and streined interpretation of the Articles, June 2^d, 1653, and yo^r later agitations wth the cõmission^rs in y^e former pt of September, wee cannot but feare it is by many a premeditated and resolued breach, which certainly is a pvoaking sinn against God, of a scandalous nature before men, and may produce dangerous effects to the other three colonies. It had bine much better for them neuer to haue combined, then to be thus deserted by them that first propounded & pswaded to the confederation. They are now exposed more to the malice and treachery both of Duch and

Indians then before, but of whom it will be required yo^rselues will consider. Wee desire first to looke vp to the gracious & faithfull God who keepeth truth for euer, and in the second place to seeke advice and help elsewhere.

Signed by Connecticot & Newhauen Secrets.

Dated Nouem^r,
first, 1653.

Mr. Goodyear read a letter to the court from Stamford, informing that a Duchman w^{ch} knew our order had traded at Stamford some small matters and gathered vp some pvisions for his paye, w^{ch} the constable hearing of staide for the jurisdiction till further order, and doth now desire to know y^e [31] minde || off the court. The court declared that it is a direct breach of y^e order, and therefore is justly forfeite, but if any of the pties cocceive they haue anything to say for themselves w^{ch} may excuse or mittigate the offence, they may apply themselves to the court of magistrats, who will heare and determine as they see cause, according to the law in that case. Also in the same letter they propound concerning caske for flesh, that they cannot get their coop^r to make any caske aboue 25 gallons, he hauing provided and cut his stuff before the order; and for information herein, the court sent for Nicolas Elsy, a coop^r here at Newhauen, to know whether the caske might not be made according to the order, though the stuff was cutt for a less size; he said he could not so fully tell vnless he saw the stuff, but he conceives it might serve. Also some here at Newhaven ppounded that the order might be altered, for the size is too big, and at Connecticot the order is but 28 gallons, w^{ch} y^e court considered of, but saw no cause to alter the order at this season, sundrie hauing already sould some quantities of beefe beforehand to be deliuered, and severall caske being already made, and some psons haue packed vp beefe in caske of this size, therefore for this yeare they confirme the order as before, and if Stamford doe not make their caske according to the order, they must then before they sell any declare to the buyer what they hold, that so no deceit & vnrighteousnes be comitted.

Another from Stamford was read, wherein they informe the court y^t their is some differenc betwixt John Chapman and their towne, w^{ch} they cannot comfortably issue wthout the help of tw magistrats, and therefore they desire the court to send two magistrats to Stamford to keepe court, wherevpon this court did order that a letter should be sent to them informing that if the difference be but small, it were better they issue it amonge themselues, for the charg will be great in sending and will fall vpon those w^{ch} shall be found delinquent, and if vpon this information they notwthstanding desire it, two magistrats shall be sent vnto them.

An order made by the Co^mission^rs concerning the makeing of Duch vessells prize if they be taken in any of the harbours of the Vnited Colonies was read, and by vote confirmed & declared to be put in execution in this colonie, w^{ch} order is as followeth,

Vpon information received that in pursuit of Thomas Baxter, who (by vertue of a co^mission from Road Island vnder the Co^monwealth of England) hath taken a Duch boate or vessell neare the Manhatoes, the Duch haue manned out two vessells wth aboute one hundred men in them as men of warr, and did then lye in the road nere the opening of Fairfeild harbour where Baxter was, the Co^mission^rs considering the continewed open warr betwixt the Co^monwealth of England and the Netherlands, wth the hostile affronts the Duch in these pts haue form^rly offered to the English colonies, and the late execrable conspiracy charged vpon the Duch gouernor, his fiscall, &c. judg it necessary that each jurisdiction wthin its owne lymits doe declare and order that all Duch shipp & other smaller vessells be at their perill prohibited coming into any harbour belonging to any of the confederated colonies, wthout express lycense from the gouernor of the colony or some other magistrate thereof, and if any such shipp or vessell shall after such order duely published, come into any [31] such || harbour or road, and being by some magistrat or the next millitary officer where there is no magistrate, or by such as are in each colonie appointed, being therevnto requir- ed, shall not forthwth (or at least wthin six houres) depart out of the said harbour or road, it shall be lawfull for the said colonie or plantation where any such vessell rides, by their owne or any other neighbour force, either to surprize and seize the same or to force it thence; and in the present pticu-

lare case at Fairfeild, if the said Duch vessells or either of them, or any other, be or shall ride or stay in the said road or harbour or any other harbour or road in those western colonies, it is hereby declared that such vessell or vessells be comānded forthwth to depart, but if the master or masters, or any of them, or such as order the said vessells or any of them, refuse or delay beyond the time before lymited, (wind & weather pmitting them to dept,) the inhabitants of Fairfeild or any other plantation w^{thin} the said two colonies, calling in help (if they see cause) as aboue, shall haue libertie to seize or force them thence as they can, and in all seizures so made, no pt either of goods, riggen or apptenances belonging to any such vessell shall be imbezelled or taken into any private vse till by a due tryall in the jurisdiction where the seizure is made, the vessell or vessells be found just prize by vertue of this order, and vessell and goods duely prized, and that after the seizure is judged lawfull by the authority afforesaid and so prized, then two third pts shall be alowed to the plantation or to such persons as shall seize the said vessell or vessells, towards charges as each jurisdiction shall order, and one third pt (free of all charges) to the colonies in their differrent proportions.

Boston 17th, Septem̃. 1653.

Simon Bradstreet, President.

William Hathorne,

Tho: Prence,

John Browne,

Rogger Ludlow,

John Cullick,

Theoph Eaton,

John Astwood.

The Court considering the occasions of the jurisdiction, for defraying of necessary charges expended and to be expended, see cause to order that a rate of three hundered pounds be leuyed from the seuerall plantations in this jurisdiction in due and equall proportions, ouer and aboue the two hundered pound before granted in June last, w^{ch} 300^{li} is to be pd betwixt this and the last of December next, in that paye, in such manner, and vnder the same penalty as the former 200^{li} is ordered to be paide. The proportions is as followeth,

Newhaven, 113: 14: 06.
 Millford, 064: 04: 09.
 Guilford, 042: 07: 07½.
 Stamford, 34: 08: 03.
 Southhold, 23: 07: 01½.
 Brandford, 21: 17: 09. 300^{li}: 00: 00.

[33] || And further, considering the ingagment the jurisdiction stands in at the Bay for the powder and amunition sent from England, and brought heither in y^e summer, wth some other debts due from the jurisdiction, did now order that ouer and aboue the former rates, sixty nine pounds be raised in the jurisdiction, in beefe, porke, pease or wheat, all good and merchantable, in proportion as followeth,

from Newhaven, 27 ^l : 00: 00	Southhold are left out here be-
from Millford, 16: 00: 00	cause being at a distanc it
from Guilford, 11: 00: 00	was conceiued they could
from Stamford, 09: 00: 00	not send so soone, but they
from Brandford, 06: 00: 00	are to paye it afterwards.

And that it be all paid in at Newhaven and ready to send away by the last of February next, and if any plantation faile of their pportion or any pt of it, they shall forfeite a fourth pt of their pportion that is so vnpaide, euery moneth that it so remaineth, and paye the principall beside.

It is ordered that John Harriman shall haue five pounds alowed him out of the treasury for the forbearance of at least one hundered pounds aboute a yeares time, after the comission's mett here last in anno 1651, and if Millford refuse to paye their share of it, because their deputies plead they were not behinde in their rates but rather beforehand, it is agreed it shall be made vp from y^e other townes.

AT A GENERALL COURT HELD AT NEWHAUEN, FOR THE JURIS-
DICTION, NOUEMBR 22th, 1658.

PRESENT,

Magistrats.

Theophilus Eaton, Esq^r, Gouvernor.

Mr. Stephen Goodyear, Dept. Gouvernor.

Francis Newman, Magistrat for Newhaven.

Mr. William Fowler, Mag: for Milford.

Mr. William Leete, Mag: for Guilford.

Deputies.

Mr. Gibbard, }
Hen: Lendon, } Newhaven.

Benja: Fenn, }
Robert Treat, } Milford.

William Chittenden, }
Thom: Jordan, } Guilford.

Richard Law, }
Francis Bell, } Stamford.

Jasper Crane, }
Sam: Swaine, } Brandford.

The Gouvernor acquainted the court wth a letter he had received w^{ch} was sent to Robert Basset, w^{thout} date or name subscribed, which is to stirr vp to stand for the State of England, as they pretend, and to stand for their libberties, that they may all haue their votes and shake of the yoake of gouernmt they haue bine vnder in this jurisdiction; also wth a letter from the towne of Stamford, makeing complaints of their rates and other greiuances as they pretend; also another wrighting from Stamford, stirring vp to raise volunteers to goe against the Duch, and that themselues will send forth tenn men well furnished for the warr; also a letter from Mr. Ludlow, informing of a meeting they haue had at Fairfeild, at w^{ch} they haue concluded to goe against the Duch, and haue chosen him [34] for their cheife || and he hath accepted it; all w^{ch} wrightings were read to the court, after w^{ch} the court considered whether they were called at this time to send forth men

against the Duch, and after much debate and consultation had wth most of the elders in the jurisdiction, the issue was, w^{ch} the court by vote declared, that considering the hazards and dangers attending such a designe, especially now, it being so nere winter, and the want of suitable vessells and the like, they see not themselues called to vote for a present warr, but to suspend a full issue till Connecticote jurisdiction be acquainted wth it and giue notice what they will doe; but if they agree to cary it on now, then this court agrees to joyne wth them and to meete againe to consider and order as the case may require.

The Court considering the disorderly and mischevious way wherein Thomas Baxter doth and hath for some time gon on, in plundering, spoyling and robing, to the great disturbance of the colonies, specially in takeing a vessell w^{ch} belonged to Plymouth, to the great damage of sundrie psons w^{ch} were comeing to plant vnder the English, and not knowing of any lawfull comission he hath to do, these things, did order that a letter should be written to Connecticote to desire them to put forth their authority to take him if he come w^{thin} their jurisdiction, and if he come w^{thin} any of these foure townes, viz^d, Newhaven, Millford, Guilford, or Brandford, that he bee seized, his comission examined, and as things appeare, further pceeding may bee; and if he come to Stamford that a letter be written to them to doe as shall be thought fitt by the gouerno^r, when he heares what Connecticote will doe in that also.

The Court was informed by Mr. Goodyeere and M. Newman, who went lately to Stamford to issue some difference betwixt the towne and Jn^o Chapman, and to settle a right vnderstanding of things for the better quieting of their spirits, w^{ch} are in a mutinous way, and that when they came their the buisnes betwixt y^e towne and Jn^o Chapman was not prepared, Jn^o Chapman refusing to haue it heard by two magistrats but will haue it issued in a full court, but being there they caused y^e towne to be called together, and being mett they found them for y^e most pt full of discontent wth the present gouernment they are vnder, pleading that they might haue their free votes in y^e choise of civill officers, makeing objections against their

rates, and ppounded to haue their charges of watching and warding the summer past, wth some worke made aboute their meeting house for their defence, borne by the jurisdiction, and that they might haue twelue men sent them at the jurisdiction charge to lye there all winter for their defence, wth some other things, (Robert Basset and Jn^o Chapman being two of the cheife speakers,) and after much debate wth them to quiet them, w^{ch} did litle preuaile wth y^m, an order from the com^{it}-tee of Parliament in England sent to this colony was read to them, requiring them to submitt to the gouernment they are vnder, w^{ch} did somewhat alaye their spirits for y^e present, and they desired further time to consider of things and they would in some short time send their minde to the gouernor in wrighting.

[35] || The Court considered of these things & saw cause to order, that after their propositions are sent and y^e gouernor hath considered of them, if he see cause, a warrant shall be sent w^{ch} shall haue refference to y^e order from England, and in submission to it requiring John Chapman and Robert Basset to appeare here at Newhaven at such time as the gouernor shall appointe, to answer such things as shall be laid to their charge.

It is ordered that till the election court in May next, every towne shall, so often as the generall court or court of magistrats haue occasion to meete, pvide for their owne magistrats and deputies at their owne charge, that so these publique jurisdiction charges may be lessened.

AT A GENERALL COURT HELD AT NEWHAUEN FOR THE JURIS-
DICTION THE 8th OF MARCH, 1653.

PRESENT,

Magistrats.

Theophilus Eaton, Esq^r, Gouvernor.

Mr. Stephen Goodyeer Dpt Gou.

Francis Newman,
Mr. William Fowler, } *Magistrats.*
Mr. William Leete,

Deputies.

Mr. Willm Gibbard, } Newhaven.
Henry Lindon,

Benjamin Fenn, } Millford.
Robert Treate,

Mr. Chittendene, } Guilford.
Mr. Jordan,

Richard Lawe, Stamford.

M. Crane, } Brandford.
Sam Swaine,

The Gouvernor informed the court that the generall court for Connecticote, vnderstanding of sundrie miscariages that Thomas Baxster hath done in their jurisdiction, and in this also, haue sent downe theire marshall wth a co^mission to goe to Fairefeild and seize him, wherein they desire our concurrence and the help of two men from hence, else his order was to returne and pceede no further, wherevpon the magistrats of Newhaven mett together and considered the case, w^{ch} would admitt of no delay, thought it best to send two men from hence wth him, who are this morning gon towards Fairfeild. The court by vote fully approued of what was done and judg it necessary that such a course should be taken for his apprehension, and did now further order that if Thom Baxster should be fled from Fairfeild to Greenwich, (as it is like he may,) then Richard Law y^e constable of Stamford, hath hereby lycence & authority to take men at Stamford, (if Baxsters strength be not to great for them,) & seize him & bring him to Newhaven.

The Gouvernor declared to y^e court that he had received a wrighting from Mr. Wells, of Southhold, informing of sundrie high miscariages of John Youngs, and also a testimony of Capt. Silvester and M. Booth, vpon oath, wherein they testifye that they heard John Youngs say that hee would pcure 60 men at Vncaway and make a garrison at Southhold to defend him against the power of Newhaven; vpon the reading of w^{ch} paprs the court judged it necessary that John Youngs should be called to account for these things, but hear now by Richard Law that John Youngs is imprisoned at the Duch, and therefore at present stopped from these disorderly pceedings; they [36] ordered || that if any letter should be sent from his father or others, soliciting this jurisdiction to vse some meanes for attayning his libertie, then a letter should be sent from hence to the Duch gouvernor, desiring he may bee deliered to vs here at Newhauen, (at the charge of them that solicit for him,) to answer such miscariages as we haue to charge against him.

Mr. Herbert and Mr. Moore, inhabitants of Southhold, being here, the court desird to speake wth them, and being come before the court, they asked them concerning the affaires of Southhold, and pticularly aboute some differences w^{ch} they haue heard is among them, and whether their rates are paide, and whether themselues haue taken the oath of fidellitie. They answered for the oath of fidellitie, neither themselues nor many others in Southhold haue taken it, and they desire now to be forborne also, and if the court please to send ouer two magistrats to Southhold, (w^{ch} they would cary and bring home at their charge,) to issue some differrences theire, they hope before they come away they should doe what the court desires, and for rates they know not, but what hath bine demanded is paide.

It was ppounded to them whether it were not better that some of both pties amongst whom the differences are, (who may haue power to act for y^e rest,) should come heither to Newhaven at the court of magistrats the last Munday in May next, where they might haue better help for issuing of things then they can expect from any that can be sent; they both approved of the motion and hope their towne will attend it.

They ppounded who shall giue oath in case witnesses are to be examined & sworne; the court considered of it & told them that they thought it would be satisfying to all pties if y^e court desired M^r. John Youngs, pastor, to wright the depositions of any, and then the deputies or either of them might giue oath, w^{ch} motion they fully approued of, and the court did now order that a letter should be written to Southhold from this court, informing them of this agreemt, and desiring them to attend it, and also that the rates due to y^e jurisdic^t may be speedily sent to the treasurer at Newhauen, or at y^e furthest brought wth them when they come to y^e court in May next.

After Thomas Moore was departed he returned againe to y^e court and declared his willingness to take the oath of fidellitie now, w^{ch} the court well accepted and administred the oath of fidellitie to him, and declared that if he be a member of Salem church, and haue letters of reco^mendation, and lyes vnder no offence to hinder, he may haue the freemans charge giuen him at Southhold and be admitted a freeman as others are.

Leitennant John Nash was propounded to the court and approued of by the court for the cheife millitary officer at Newhauen for y^e p^rsent.

And Leutennant Samuell Swaine was ppounded and approved of for Brandford in y^e same way.

The Gouverno^r informed the court that Capt. Vnderhill desires some advice concerning a horse w^{ch} hee seized at Southhold, w^{ch} was taken from the Duch by Thom Baxster, but the court declared y^t they would not medle wth.

It is ordered that a dinner be pvided at the ordinary for y^e court and whom they shall invite vpon the election day, at the publique charge of the jurisdiction, but after, euery towne is to pvide for their owne magistrats and deputies.

Thomas Baxster being seized at Fairfeild and brought to Newhav^e the 10th of March, was called before the court and told that hee stands charged wth sundrie offensiue carriages, for w^{ch} y^e court conceives he can haue no co^mission to beare him out, and first his cariag aboute seizeing M. Mayo^es vessell, w^{ch} all the co^mission^rs haue witnessed against and written to Road Island aboute it, for w^{ch} cariag Road Island, as they are

[37] informed, hath declared || themselues offended wth him, calling in his co^mission and haue made it voyde and null, and would haue proceeded against him but that he made an escape from them, beside many miscariages of a high nature at Fairfeild, but they belonge to another jurisdiction, whether the court referred them; but for this jurisdiction he was told his miscariages at Stamford haue bine verey offensive, as that he will beate vp a drume there for volunters and flourish his cullers to gather company, and if any oppose him he threatens them, and p^ticularly the constable; thus he tramples upon the authority sett vp there; also his miscariage lately at Millford in carrying away M. Fowlers cannow, and when one of Millford told him it was the magistrats cannow, he slighted such words, and when they laid hands vpon it to stay it, he wth a halfe pike stricke the man betwixt the head and shoulders, and one of his men drew his cutlash and struck at his hand but missed it, and the rest stood wth their peece cocked & vowed they would shoote; beside his cariage in entertaining and keepeing Mr. Fowlers servant, and when he sent for him he would not deliuer him but said he had buisnes for him and when he had done wth him he would send him home.

Hee was asked what he said to these things, and whether he had co^mission to act thus; he said he thought hee had, but his co^mission being p^rsed there was no such thing in it, but he is lymitted to y^e Duch and enemies of the Co^monwealth of England, and to behaue himselfe civilly to all the plantations in the English colonies.

Hee said if he spake so at Stamford it is out of his knowledg, and for Mr. Fowlers man he did send him home afterward; for the miscariage at Millford, they were so lately and testified by so many witnesses, as Ensigne Bryan, James Rogers his man, and others p^rsent, and might be confirmed by others at Millford, that he could not deny them. The court hauing p^rceeded thus farr, for the p^rsent dismissed him to be sent to Connecticote, to answer for what he hath done in their jurisdiction.

Two of Thom Baxsters men, namely William Ellitt and Abraham Frost, were also brought prisoners, the tryall of

whom this court refferrs to Connecticote as most propr to them, onely the marshall of Connecticote desired that the testimony of one of Fairfeild here p'sent may be taken and sent to Connecticote, because it may be of some vse to them there, w^{ch} the court granted, & is as followeth,

John Odell testifyeth vpon oath, that as Baxsters men went vp and downe the streets of Fairefeild wth their swords drawne in their hands, he heard William Ellitt sweare wth a great oath, (but knowes not the words,) that wth them hands of his he would be avenged vpon the blood of some of them w^{ch} had taken his captaine, and he supposeth there were aboute a dozen of them w^{ch} so runn wth their swords drawne.

Robert Basset was also brought alonge wth them prisoner, and charged by the marshall of Connecticote, Leiutennant Cooke and goodman Lewis of Hartford, Edward Parker and Daniel Hopper, our two men, also joyning wth them, that the said Robert Basset caried it in a sideing way wth Thomas Baxster, for when they had seized him at the ordinary house dore, quietly led him away w^{thout} disturbanc, Robert Basset came ruñing after them wth his hand vpon his sword, being amazed, as himselfe saith, to heare Baxster was taken, and gaue them many high and offensive words and cariag, affronting them in their way, co^mmanding Leiutent Cooke to put vp his sword, (though he saith he intreated him,) w^{ch} when they saw, they disarmed him, and the marshall co^manded him to aide them, so he went to the house wth them where they kept Baxster prison^r, and staid a while, but after went away w^{thout} leaue; further Connecticote men say that they conceive he might be some occasion of the disturbanc w^{ch} fell out afterward, because while hee was wth them at the house they mett wth none, and they thinke Baxsters men knew not where they were, but quickly after he was gone they came and assaulted [38] y^e watch [& fought wth them, in which] || skirmish one of Baxsters men was killed and one of our men wounded, and after this hurt was done he came to the house againe, and desired to speake wth the Capt., and being there began to reason the case wth them aboute seizing of Baxster, and justified him in his way, pleaded for him and against those that tooke him, saying what had he done that they came to take him as a

rogue, a theefe and a murtherer, wth swords and staues; further goodman Lewis said that as Robert Basset and he came along together in the way heither, he desired him that things might not be prosecuted too heavily against him; goodman Lewis told him he should attend truth, but he had heard that he had bine active in drawing company together against the co^monwealth where he liues, and that he will be a reformer, not onely of co^monwealthes, but of churches also; Robert Bassett said hee knew the ground of such reports, wth was a letter hee received wthout any name subscribed, speaking to that purpose, and said hee, indeed this is the thing that troubles mee, that wee haue not our vote in our jurisdiction as others haue, and instanced Connecticote jurisdiction. This discourse, both in the house wth them & in the way wth goodman Lewis, Robert Basset owned, but would haue excused himselfe, saying it was drawne forth of him, but was told it was wthin before, else it could not have bine drawne out.

Robert Basset was told, beside these miscariages before spoken of, the court hath heard, and some of them haue seene, (as Mr. Goodyeare and Mr. Newman,) at Stamford, his boldness and forwardness in expressing himselfe against the gouernmt of the jurisdiction, and how actiue he hath bine to raise and cary on an insurrection in both these colonies, as appeares by the wrighting w^{ch} he and John Chapman was bringing along the coast to raise volunteeres to goe against the Duch as was pretended, himselfe ingaging therein wthout any approbation from authority here, so that he hath bine a ring-leader in these wayes of disturbance and vndermining the gouernmt of the jurisdiction, and this hath bine contrary to his oath of fidellitie taken to this jurisdiction, and contrary to a knowne express law published, and after he hath heard the letter from the co^mittee of Parliam^t vnder their hands and seale, requiring his submission to the gouernment here established.

Robert Basset said that in his heart and intentions hee hath not broken this law or his oath, but in some appearance hee may haue broken them, he was told this, an answer once for all in such cases, that the court judges not by mens hearts and

intentions, that is a worke propr to the all seeing God, but the court judges by words and actions, both w^{ch} haue evedently declared that, contrary to his oath and the law of the jurisdiction, he hath received a seditious letter to disturbe the peace of the jurisdiction, to vndermine and by force to ouerthrowe and alter the veray foundations thereof, and indeed to turne things vpsidowne in church and comonwealth. This letter he conceales, though receiued as himselfe saith here at Newhaven, neuer acquaints any magistrate wth it, nor after at Stamford acquaints not the constable or any deputy, till the constable hearing of it in the towne goes to inquire, and then he shoves it him but in his owne hand; this letter hee spreads [39] abroad to kindle a fire and stirr vp the spirits || of others to the same rebellion, acting himselfe both in publike and private in a constant way for a good space of time to ouerthrowe the foundations of gouernment here established.

Robert Basset was told this is the substance of the charge against him, and if he will confess it he may; if not, then the court must pduce prooffe thereof; then Robert Basset said, hee sees that in his cariage he hath acted so as the charge holds forth, w^{ch} hee did not see before, and hee hopes hee hath cause to bless God that hath brought him heither at this time, for hee sees his course hath bine sinfull and not according to the light that God hath giuen him.

After this he was asked who hath bine of this confederacy wth him as cheife actors in the buisnes, and what meetings he had wth John Youngs at Stamford; hee said John Youngs was at his house, and one Capt. Eason, and they were contriving to raise forces to goe against the Duch, and some wrightings were drawne vp concerning the shares of seuerall officers, w^{ch} wrightings are at his house to bee scene, and for any at Stamford he named John Chapman, Jeremiah Jagger, old Newman and William Newman, w^{ch} are vnsatisfyed wth the gouernment of the jurisdiction because they haue not their votes.

Robert Basset was told that these men must be sent for and the wrightings at his house, and the court will meete againe to consider of these things, and in the meane time hee must

remaine a prisør here at Newhaven, but he can giue securitie to the valew of fifty pound for his appearance at the court one Wedensday come seven night, the court will show him that fauour that he shall be a prisoner in the marshalls house.

It is ordered that a warrant be sent in the name of this court to warn John Chapman, Jeremiah Jagger and William Newman, inhabitants of Stamford, to appeare here at Newhaven before the generall court, who appoints to meete againe on Wedensday come seven night, at one a clock in y^e afternoone, to answer such miscariages as shall be laid to their charge.

It is ordered that a serious view be made in euery plantation in this jurisdiction, to see who haue taken the oath of fidellitie & who have not, and that all male psons from sixteene yeares old and vpward, w^{ch} haue not allready taken it, whether children, servants or sojournors, as well as planters, doe take the said oath, and that at the generall court in May next, a cirtifycate be brought from each plantation and p^rsented that they haue so taken it, or if any refuse, their names are to be returned, but if the authority of y^e place finde any vnfitness in any pson by their ignoranc not vnderstanding the nature of such an ordinance, they may dispense wth them a convenient time for the better informing themselues, that y^e name of God may not be taken in vaine.

[40] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 22th OF MARCH, 1653.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouverno^r.
Mr. Stephen Goodyear, Dept Gouver^r.
Francis Newman, for Newhaven.
Mr. William Leete, for Guilford.

Deputies.

Mr. William Gibbard,	}	Newhaven.
Henry Lindon,		
Benjamin Feun,	}	Millford.
Robert Treate,		
Mr. Chittendine,	}	Guilford.
Mr. Jordan,		
Richard Law,	}	Stamford.
Francis Bell,		
Mr. Craine,	}	Brandford.
Samuell Swaine,		

Robert Basset was called before the court, and being remembred of what was the last court charged vpon him and confessed by him, he was asked where those wrightings are w^{ch} he informed the court of; he said he thought goodman Law had had order to bring them; he was told so he had, and did looke in his house, but the wrightings were conveyed away. Hee was asked what that letter was that he receiued since w^{thout} a name; he said it was a letter from Abraham Kimberly, w^{ch} he sent to him aboute *about* some buisnes concerning Adam Motts saying Baxster was a rogue, and M^r Ludlow was his brother. He was asked what conferrenc hee hath had here at Newhaven to raise disturbance; he said hee was once at the ordinary where some of the towne were, and they were speaking aboute the designe against the Duch not goeing on, and hee hearing Scarbrough was coming from Vergenia wth a comission against the Duch said, what if a company should com from the west, and call them to account, but was told that

those which heard him, speake otherwise, as Richard Beckly, William Meaker and Edward Pattyson, who testify that Robert Basset said, what if a company, or army, should rise from the west and call the authority, or colonies, in these pts to account, what would they doe then, and the two latter say that hee asked if they would joyne w^h them, w^{ch} shoves that hee spake it to corrupt them, nor can the court beleieve that he spake in reference to Scarbrough then, but of a Malignant pty w^{ch} hee hoped would rise, to ouerthrow churches and comonwealths, as the first letter hee received w^hout a name imports.

Beside all this, Serjant Bell, one of the deputies for Stamford, informed the court that though Robert Basset hath bine a great disturber of their peace in Stamford, at sundrie times in severall meetings, yet vpon the 7th of March last, the day that the deputies were to come to the last court, there being a towne meeting called at Stamford, he caried it worss then euer before, (though hee seemed before convinced of his mis-cariages and hoped he should neuer so offend againe,) for when the towne was come together, Robert Basset stood vp and asked what the meeting was for, Richard Law, the constable, answered, there was a generall court to be at Newhauen, and deputies were sent for to goe theither; Robert Basset replied, they would obey no authority but that w^{ch} was from the State of England; the constable answered, this authority is the authority of England; that he denyed and said, then let vs haue Englands lawes, for England doe not prohibbitt vs from our votes and liberties, and here wee are, and wee are cut of from all appeales to England, and wee can [have] no justice here; further he said they were made asses of, [41] || and their backes are allmost broke, and it is time for them to looke to themselues and to throw their burden of, for they shall be made very fooles; and he spake against the justice of the authority of this jurisdiction; a replye being by some in defence thereof, hee said, is that authority just, that makes what lawes they please, executes them as they please, calls for rates when they please, and neuer so much as giue them a reason. Francis Bell told him that this should

be declared at the court, hee answered yes, it was his mind it should be so, and therefore, saith hee, I will say it againe, is that authority just that makes what lawes they please, executes them as they please, calls for rates when they please, and neuer so much as giue them a reason. Hee also said that they were not so much as neighbours, but bond-men & slaues, but that being witnessed against, hee justified what hee had said, saying they must be bond-men or free-men, for their was no medium. To these passages both the deputies of Stamford witness to the substance of them, and William Newman to some of them, but the whole charge was in court owned & confessed by himselfe, except that passage (that they could haue no justice here.) Robert Basset was asked if he knew what libertie men had in England in poynt of vote, he said no; hee was informed that many thousands in England, of great estates, and good repute in other respects, haue no vote in such elections, and was told that as his course and cariage hath bine full of pride & insolency, himselfe a leader to disturbe the peace both of churches and commonwealth, nay to ouerthrowe all foundations laid here for gouernment, w^{ch} by oath he stands bound to maintayne and vphold, so he hath discovered a false, rotten spiritt (as was lately obserued by some of Connecticote in their converse wth him, and he told of it in open court.) Somtimes hee seemes to stand and pleade for the Parliam^t & Comonwealth of England, as if faithfull to that cause, and at other times shewes himselfe a Royalist. The last yeare, when a marriner, one Thomas Adams, (as hee called himselfe,) though in apparell and cariage hee acted a part as if hee had bine the king of Scotts, or some greate prince, (though not willing to be knowne,) and by some was called King Tom,) and vnder such a fancy or conceipt came to Stamford, Robert Basset intertained him at his house, became his cheife associate while he was there, gaue him gunns at parting, and being examined concerning him, affirmed he had ground to satisfy himselfe that he is the King, &c., but was not willing (as he said) to speake anything to his prejudice.

But beside all these things, there are sundrie passages in y^e wrightings not yet come to hand, w^{ch} so farr as the court haue

information allready they see to be verey offensive and deserve consideration, and therefore seeing they haue bine conveyed out of his house to Richard Webbs, as his wife hath confessed to the court, and that after she heard the constable was to search for them, the court cannot issue his matters at this time, and the marshall was ordered to put him in prison, and irons vpon him for his better securitie; but vpon his desire, considering the coldness of the season, and the prison house where is no fire, that they might avoyde crueltie, the court left it to y^e gouerno^r, magistrats and deputies of y^e generall court at Newhaven, to order his imprisonm^t, whether in y^e prison or in y^e marshalls house, as they should see cause in refference to his health.

John Chapman, Jeremiah Jagger and William Newman, inhabitants of Stamford, were called and appeared; first they were asked if they had taken the oath of fidelitie to this jurisdiction, they all answered yea; then Jeremiah Jagger and [42] William || Newman were w^hdrawne, and John Chapman pceeded w^h and charged, that contrary to his oath and the lawes of the jurisdiction, (w^h haue bine published,) he hath acted in a way of disturbance, vndermining the foundations of gouern^t laid in y^e jurisdictiō, in that he hath bine an instrum^t and the mouth of diuers discontented spirits in Stamford to plead for alterations in votes, w^h being granted would ouerthrowe the frame of gouern^t fundamentally w^h his oath binds him to vphold & preserue, w^h in him is worss then in another, because hee is a freeman and sometime hath bine a deputie in y^e generall court, beside he hath bine instrumentall and active in carying a wrighting from Stamford to raise an army w^hout approbation, or so much as the knowledg, of the authority of the jurisdiction, and that after (as himselfe confesses) the authority settled for the jurisdiction at Stamford had publicquely witnessed against it, yet he goes w^h Robert Basset to Norwalke, there seekes to stirr them vp to y^e same way and, as himselfe saith, prevayled, and so was to pceed to Fairfeild, and in all the townes till they came at Newhaven, had they not by the pvidence of God bine mett betwixt Norwalke and Fairefeild by M^r. Goodyeare and M^r. Newman, two

magistrats of this jurisdiction then goeing to Stamford to seeke a settlement of things there, and by them was caused to returne. Hee was told this a seditious cariage and a way of insurrection, directly contrary to the expresse words of a knowne law, and this he did to disturbe the peace, not onely in this jurisdiction, but of Connecticot jurisdiction also, so that had it not bine stopped, who knowes how farr and to what mischeife it might haue pceeded; and though they pretended it was against the Duch, yet it was rebellion in them to act in such a way wthout and against authority, and it is evident that the letter Robert Basset receiued, who was a principall instrument in this buisnes, and according to w^{ch} hee acted in other things, was to ouerthrowe churches and civill gouernment; specially in this colony. John Chapman was wished to speake for himselfe if he had any thing to object; he said he did intend no hurt against the jurisdiction, but he hath nothing to say to justify himselfe, but condemnes himselfe exceedingly in the thing, for he hath done very foolishly and hopes it shall be a warning to him for time to come, for though it is true he was imployed by the towne in that service, yet he now sees hee should not haue accepted such imployment, but witnessed agst it, being contrary to h^{is} oath and y^e lawes of the jurisdiction.

Jeremiah Jagger was againe called before the court, and told his way hath bine a way of disturbance in Stamford w^{ch} hath had influence into the whole jurisdiction, yea he hath acted so as to ouerthrow the very foundations of gouern^t here laid, pleading for liberties in votes, that all may chuse officers for publique trust, and chuse whom they please; and because it is not granted, he growes surly and discontented, w^{ch} (as at other times according to information giuen by y^e deputies of Stamford,) hee did manifest when M^r. Goodyeare and M^r. Newman were lately at Stamford, saying publicly in the towne meeting, in discontent and wth a surly spirit, that the court sent to the towne for deputies, but they were the churches deputies, and who must chuse them, the free-men; then saith hee, wee are bond-men, and so will our children bee, therefore it is time for vs to looke to it; and to M^r. Goodyeare, (w^{ch}

[43] John || Benham also heard and now testifies) he spake contemptuously of the coñission's, saying they satt long, but what did they, he could haue three or foure plow-men should doe as much in three or foure dayes; and when the magistrats were informed by some that the generality of Stamford did desire they might haue libertie in vots, but they would be confined to chuse w^hin the church, but if that would not bee granted they should rest satisfied in y^e course settled, Jeremiah Jagger replied it was not so, but they stood for their full libertie, and spake against those that so informed; beside all this, at another meeting when rates haue bine demanded for y^e jurisdictiō, he hath showed himselfe discontented and said, let them take it, but it shall be a packing penny; and when Robert Basset saide in a towne-meeting, what doe here, wee are not so much as neighbors, but bond-men, & slaues, w^{ch} being witnessed against by some, Jagger joynes w^h him and saith, what are wee else. To these things both the deputies testify, and Francis Bell saith he said at another time, they were no better then Indians, for what libertie had they more then they; and at another time told Francis Bell (when hee was constable) that hee was a silly fellow to bee set in authority; and when the deputies haue bine sent for to the court, he hath spoken contemptuously of them, saying let them goe, and eate and drinke, and say as they say, w^{ch} last passage Francis Bell saith was true, but he acknowledged his fault privately to hime, but now the court heard of it by other meanes and declared that publike satisfaction should haue bine giuen for it.

These things being declared, w^h the seuerall proofes of them, Jeremiah Jagger was told that this is his charge, that contrary to his oath and the knowne lawes publishd in y^e jurisdiction, he hath gon on from time to time disturbing the peace of this jurisdiction, and vndermining the gouern^t here established, pleading for such wayes of voteing as will ouerthrow the foundations laid, and if he may not haue it, then they are bond-men and so will their children bee, and they must looke to it in time; likewise when just rates haue bine demanded for the jurisdictiō, he is discontented, saying let

them haue it, it shall be a packing penny; and when Basset saith they are bond-men & slaues, hee sides wth him and saith what are wee else, nay they were no better then Indians, and had no more libbertie; hee hath spoken against the deputies, and against y^e constable, reproaching him as a silly fellow, beside the contemptuouse words spoken against the co^mission's, a cariage not to be suffered in any member of this jurisdiction. This charge being read, hee was asked if hee intended to remoue out of Stamford, he said no; he was asked what he ment by saying it should be a packing penny, he said he could not tell; he was told then the court knowes what construction to make of it, but he was wished to speake if he had ought to object against what hath bine charged; at first he made sundrie evasions, but afterward did fully confess the charge was true, and that his speech concerning the co^mission's was an vnreverent sinnfull speech, and that he had caried it ill in all the other respects, and is sorey for it, and sees now more in these things then euer hee did before, and were they to doe againe hee should not doe them, and hopes it will be a warning to him hereafter.

William Newman was called, and told that he is accused by Robert Basset (amonge others) for being one of the disturbers of y^e peace of Stamford, in pleading for such libertie in votes [44] as would || ouerthrow the foundations of gouernment here laid, w^{ch} by his oath hee should haue vpheld and maintayned; he denyed not that hee had pleaded for such libertie in voteing, but he had bine but as others of the towne haue bine, but was told he hath bine more forward then others, and likewise his father should haue bine sent for, whose hand is to a letter w^{ch} is very offensiue to the court, but in respect of his age they forbore his father and sent for him; he confessed his fault, and said he is sorey hee hath giuen the court this occasion to send for him, and hopes it shall be a warning to him, and said his father wished him to informe the court that hee is sorey for what hee hath done, and hopes hee shall act no more so.

The court hauing pceeded thus farr wth these seuerall offenders, all pties being present, they pceeded to sentence,

and John Chapman and Jeremiah Jagger were told their miscarriages are of a high nature, and such as by law (w^{ch} was read to them) they may see brings them in question for their life, but because they will seeke to wine them by lennity, they shall this time deale fauourably wth them.

And concerning Jeremiah Jagger, the court orders that he paye as a fine to the jurisdiction twenty pounds, and that hee binde himselfe in one hundered pound bond, to attend his oath of fidellitie hereafter and maintayn the foundations laid for gouern^t here and the lawes of y^e jurisdiction, to the vtmost of his abillitie, avoyding all wayes of disturbance in this kinde w^{ch} hee hath formerly gone on in.

For John Chapman, the court ordered that he paye as a fine to the jurisdiction ten pound, and that hee enter bond to y^e vallew of fifty pound, to attend his oath of fidellitie hereafter and maintayne the foundations laid for gouernment here and the lawes of the jurisdiction, to the vtmost of his abillitie, avoyding all wayes of disturbance in this kinde w^{ch} he hath formerly gone on in.

For William Newman, there is not so much charged against him, therefore the court passeth it w^{thout} a fine at this time, but he is to enter bond to the valew of twenty pound, to attend his oath of fidellitie hereafter and maintayn the foundations laide for gouernment here and the lawes of the jurisdiction, to the vtmost of his abillitie, avoyding all wayes of disturbance in this kinde w^{ch} he hath formerly gon on in.

Into w^{ch} ingagment they all entered into one wrighting for their severall so^{mes}, before the court, w^{ch} is as followeth,

Whereas Jeremiah Jagger, John Chapman and William Newman, inhabitants of Stamford, haue bine questioned in court and sundrie miscarriages proved against them, as the records of those pceedings will show, now these are to declare & certify, that wee, Jeremiah Jagger, John Chapman and William Newman, doe severally binde ourselues in the so^{mes} following; that is, Jeremiah Jagger in y^e some of one hundered pound sterling, John Chapman in fifty pound sterling, and William Newman in twenty pound sterling, that wee will hereafter attend our oath of fidellitie and maintayne the foundations laid for gouernment here and the lawes of the jurisdiction, to the vtmost of our abillitie, avoyding all wayes of dis-

turbance in that kinde w^{ch} wee have form^{ly} gon on in. In witnes whereof wee haue herevnto set our hands before the generall court for y^e jurisdiction, at Newhaven this 24th March, 16⁵³.

✠ Francis Newman, *Secret.*

Wherevnto they all subscribed.

[45] || The Gouvernor read to the court sundrie propositions made by Docter Chayes, a French physitian, to w^{ch} the court returnd answer that they will allow no sallary, for the other they object not, but if hee please to goe on in his practise they shall be willing to imploy him as they see cause.

Mr. Goodyear read to the court a letter from Mr. Youngs, of Southhold, wherein he informes that himselfe and y^e towne desire the gouerno^r to vse some meanes for his sonns release, and that two magistrats may be sent to Southhold. The gouerno^r told y^e court that vpon this letter the magistrats here at Newhaven mett, sent for Mr. Herbert and Mr. Moore, then in towne, and told them that if they would be bound in one hundred pounds, that John Youngs should appeare here at Newhaven at the court of magistrats in the latter end of May next, to answer what should bee laid agst him, the gouernor would vse the best means hee could by wrighting to pcure the release of him & his wampom, but they refused till they had spoken wth his father, whereof the gouerno^r by a letter, dated the 18th of March, 1658, now read, did informe Mr. Youngs, pasto^r of y^e church at Southhold. The court vpon such ingagment for his appearance, approved y^e meanes propounded or offered for his inlargment, and that being done, left it to the gouerno^r to wright as he sees cause.

And for sending two magistrats to Southhold, if notwth-standing what the court hath sent to them they still continew their desire, and according to their owne proffer send for them at their owne charge, the court now desires and appoints Mr. Leete & M^r Newman to goe.

The deputies of Millford were desired to speake to Mr. Prudden from y^e court, to desire him to preach here at Newhaven vpon y^e election day next.

A case ppounded by Leiutennant Seely, concerning one of y^e mares w^{ch} Baxster tooke from the Duch, w^{ch} he hath

bought of one of Southhold, whether he may not haue libertie to sell it againe to y^e Duch; the court declared that they approve not of his buying any of those horses, neuer yet in any legall way proued to be lawfull prize, and as they haue hetherto had no hand in medling w^h them, so they resolute to keepe themselues free.

The Court advised the deputies of Stamford if they see that, notwithstanding the courts pceeding w^h these men, some others in their towne goe on to giue offence in y^e same kinde, they are to binde them to answer it at the next court of magistrates, in y^e latter end of May, and pticularly Tuckee, Theale, Webb and Finch, who hath caried it ill as the court is informed.

It is ordered that no pson in this jurisdiction shall employe any Indian or Indians to looke after any horses, hoggs, or other cattell, in y^e woods, vnless some Englishman be appointed or approved by the authoritie of y^e place to goe along w^h them, vnder y^e penalty of fiue pound for euery time they shall breake this order. And if any Indian be found or proued driuing any horses, hoggs, or other cattell, w^hout y^e like order, it shall be looked vpon in them as theft, & they pceeded w^h accordingly.

For Thomas Baxster, the court ordered nothing concerning him now, but waite to see what Connecticote will doe w^h him, onely now Francis Bell testifies that hee Thomas Baxster say, that hee hoped to see some of the comission's hanged, or their heads of before longe, but being then questioned aboute it he said, he ment them w^{ch} were against the warr w^h the Duch.

[46] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 26th OF APRILL, 1654.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouverno^r.
Mr. Stephen Goodyear, Dept. Gou'.
Francis Newman,
Mr. William Fowler, } *Magistrats.*
Mr. William Leete, }

Deputies.

Mr. William Gibbard, } Newhaven.
Henry Lindon, }
Benjamin Fenn, } Millford.
Robert Treatte, }
Leivtennant Chittenden, Guilford.
Mr. Jordan,
Richard Law, Stamford.
Mr. Crane,
Leivtennant Swaine, Brandford.

Vpon information from Millford that Capt. John Manning, (concerning whose course of tradeing wth the Duch at the Munnadoes this last winter, and so furnishing the enimies of the co^monwealth of England wth provisions, sundrie reports and complaints haue bine made in these parts,) was to come theither wth his vessell, the gouerno^r advised that Capt. Manning should be there questioned concerning the saide offensive trade, and vpon acknowledgment or prooffe thereof, that he giue bond, wthin a convenient lymitted season, to answer his miscariage in England, and that vpon his refusall, the vessell be staide till further order; and accordingly he was examined at Millford, Aprill 19th, 1654, but did peremptorily deny that he had driven any trade at all wth the Duch; and being asked how oft he had bine at the Munnadoes and at Vergenia since he was at Millford in Nouember last, he affirmed he had bine at the Munnadoes but twice, and had bine but once at Vergenia, and that he brought nothing thence to y^e Munnadoes but

stones or ballast. This not satisfying at Milford, he came, or was brought, before the gouvernor at Newhaven, where, vpon examination, he maintayned the two former vntruthes. The gouvernor told him prooffe in both cases would be made to the contrary; he answered he knew not that he had bine at Vergenia any more then once; it was replied that such voyages are not so easily made, nor can be so soone forgotten, his vntruthes were willfull and his cariage offensive.

After w^{ch} Mr. Ludlow came, and informed y^e gouvernor how inconvenient, and what a damage it would prove to him, if the vessell were staide w^{ch} he had hired to transport him & his family to Vergenia, and desired the gouvernor would giue it him vnder his hand vpon what ground he made stayer of the vessell, w^{ch} being presently done, Mr. Ludlow laide claime to y^e vessell as his, but being minded of what he had said, both at Fairefeild and here, concerning his hiring her of Capt. Manning, and that men need not hire what is their owne, it was at length agreed, and Mr. Ludlow consented, to ingage for Capt. Manning, and to leaue one hundred pound of his estate in Ensigne Bryans hand for securitie, that Capt. Manning, betwixt this and the 20th of October next, present himselfe and this case in the truth of it to the authority in England, and submitt to and abide their censure therein, and vpon notice from thence that they are satisfied, the securitie should bee [47] || released, and in the meane time Capt. Manning and his vessell might attend Mr. Ludlow his occasions in all wayes allowed by the State of England, &c.; and of this also Mr. Ludlow desired and had a copie. But before Mr. Ludlow and Capt. Manning went hence, information came from Millford that the vessell (expressly contrary to order giuen) was by Capt. Mannings men, wth a high hand and threatening speeches, caryed away, and was pursued by a shallopp well manned and armed, sent from Millford. Mr. Ludlow and Capt. Manning were againe sent for, and acquainted wth this affront. Mr. Ludlow was asked whether hee would notwthstanding continewe the forementioned securitie; at first he demurred and objected; being told that if he refused, Capt. Manning must be staide here to answer his said trade, he consented and

pmised to make good his saide ingagement at Millford, and Capt. Manning wondered and seemed troubled that his men should cary the vessell out of Millford harbour, and profest he knew nothing of it, though it were after proued vpon oath that he gaue his men order to goe out of y^e harbour into the roade. But when Mr. Ludlow came wth Capt. Manning to Milford, he refused to put in the said securitie, because the vessell was gone, wherevpon Capt. Manning was sent backe to Newhaven and a generall court summoned to meete there the 26th of Aprill. In y^e meane time Capt. Mannings men, in their way toward the Duch, perceiueing they could not escape in his vessell from the shallopp, w^{ch} being manned wth thirteene men made great speede, & would be much too strong for them, (though wee heare they had ten gunns,) they left the vessell adrift, and in y^e skiff fled away, takeing wth them, as is conceived, onely Capt. Mannings trunke, wth his bookes, wrightings, &c. When she was wth much charge and hazard recouered and brought backe to Millford, then Mr. Ludlow againe tendered the former securitie, but he haueing refused it before, the case thus altered was brought to a tryall here.

Captaine Manning being called before the court was told, that by vertue of an order received from the councill of State for y^e common wealth of England, dated July 29th, 1652, he hath bine formerly examined concerning his late course of tradeing wth and supplying the Duch with provissions, who haue declared themselues enemies to that co^monwealth, but heitherto he hath drawne guilt vpon himselfe by continewed, willfull vntruthes, or lyes; this court doth therefore againe require an account how oft he hath bine at the Manhatoes this winter, and how often at Vergenia, and what he hath brought either from Boston or from Vergenia & traded wth the Duch. Wherevpon he now acknowledged that he had bine three times at the Munnadoes, and twice at Vergenia this last winter; the first time at the Munnadoes was aboute Nouember last, and then he caried aboute tenn tunn of goodes for one Mr. Foster, viz^t, wine, salt and bread; y^e pticulars he mentioned, was aboute sixty bushells of salt, forty hundered weight of bread, and aboute eleuen quarter caske of wine, some of

w^h goods were disposed of at the Munnadoes, and he supposeth the rest at Vergenia. The salt, he saith, was much of it lost by reason of foule weather, and two thousand pound of bread, w^h he saith was not fitt for hoggs, and was cast ouer-board at the Munnadoes. Beside this he saith he had eight tun more of such goods aboard, w^h some suger, vpon his owne account. Being asked what he sould of them at the Munnadoes, he said he could not tell, because his men had caried away his bookes, but he went not w^h an intent to sell anything there, and said he could bring cirtifycate that he caried fourteene tunn of goods to Vergenia. Being asked what he tooke in at the Manhatoes, he saide, not halfe a tunn; he was asked how much beavor; he said he saw no beavor brought on board, but confeseth he sould two or three hundred weight of suger there; he was asked what he brought to the Munnadoes from Vergenia in his two voyages from thence; he said, each time thirty fve hogsheads of tobaco, but not on of them his owne, (w^h was not beleaved;) being asked whose it was, he said part belonged to on Duncome in Virgenia, part to one Whorree, and pt to a Duch-man. He was asked [48] || how this agrees w^h his profession of loyalty & service to the co^monwealth of England, thus to succour their enemies, be their factor or agent, transport tobacoes for them and others to the Duch jurisdiction, to defraude y^e commonwealth of England of their customs; he said he did not defraude them, the gouernour received the customs in Vergenia; he was told it was not so, the gouernor may take what is due in Vergenia, but not the custom due in England; this tobaco must have paide custom in England if carryed thether, and would haue bine seized if knowne to be Duch-mens goods, w^h he could not denye.

After these examinations and confessions, Capt. Manning desired to speake privately w^h the court, and did profess he did all this as a service to the co^monwealth of England; being asked how, he said to make discovery at and of the Munnadoes, that he might take advantage to surprise it, and intimated that some in Vergenia knew the plott & that it was laide in England, w^h was neither beleaved by the court, nor could

he cleere or prove it; but being asked what comission he had so to doe, who gaue him a dispensation to breake the lawes or orders of England in tradeing wth and releiuing their enemies vnder such a pretence, or whether he had advised wth any authority in New England aboute it, he could answer nothing.

The Court considering Capt. Mannings confessions, and findeing them farr short of what hath bine constantly reported of his trade of salt, a skepple (w^{ch} is aboute three peckes) for a beavor skin, and biskitt at a high price, wth other comodities, first minded him of his vntruthes, or rather made lyes, boldly peisted in; but he requiring prooffe, Mr. William Fowler, magistrate, Benjamin Fenn and Robert Treatt, deputies for this generall court, and Jn^o Baldwin, marshall, all of Milford, did vpon oath affirme before him in court, that in their hearing at Milford he did absolutely deny that he had bine any more then once at Virginia and twice at the Munnadoes, since he was at Milford in Nouember last, and did further denye that he brought any cargo or ladeing at all from Virginia but stones to y^e Munnadoes, and that he had not traded at all wth y^e Duch, but had turned all his cargo for England, and he affirmed the same vpon his examination before authority here, yet a littell before he came to Millford he tould Ensigne Bryan at Mr. Ludlowes house in Fairfeild, (as Ensigne Bryan vnder his hand testifieth,) that he had bine twice at Vergenia since he went by Millford, & the same he now fully acknowledgeth in court.

And concerning his mens carying his vessell out of Milford harbour in contempt of authority, he professed before y^e gouernor he knew nothing of it, as before, yet Mr. Samuell Mayo, vpon oath taken before Mr. Fowler at Millford, the 20th of Aprill, 1654, testifyeth, that Capt. Manning gaue order to his company, that if he did not come that night they should cary out the vessell into y^e roade and staye till he came.

Thomas Burrett, a seaman wth Capt. Manning, vpon oath taken before Mr. Fowler at Millford, the 19th of Aprill, 1654, testifyeth that he knowes of no trade betwixt Capt. Manning and the Duch, saue two barrells of small beare and aboute the vallew of thirty pounds worth of beauour, for wampom that he brought from Boston.

Martine Notus, a Duchman, (another of Capt. Mannings men,) vpon oath at the same time affirmed, that he knowes of no other trade of Captaine Manning wth the Duch saue that litle packe of beav^r and two barrells of small beare.

Lawrance Pollett, one of Capt. Mannings company, being now ashoare, by reason that one of the company aboard gaue him a blow on the head, because he did not light a match presently, saith that they would goe away wth the vessell to y^e Manhatoes and leaue the Capt. behinde, and saith the com-
[49] pany answered the English, that if they came || aboard, be it vpon their perrill, for they would shott; also he saith that Capt. Manning hath bine two times at Vergenia since he came from Boston, and brought thirty six hogsheds of tobaco the one time, and thirty fiue the other time.

Testified vpon oath at Millford, the 20th of Aprill, 1654.

Before me, William Fowler.

Captaine Manning was asked if he had anything more to say for himselfe, before the court proceeded to sentence; he said he could bring cirtifycate from Vergenia to cleare himselfe; being asked if he could bring cirtifycate to ouerthrow his owne confession, or proue that his selling salt, suger and other p^rvisions to y^e Duch, and transporting tobaco for them to y^e Munnadoes is a service to y^e commonwealth of England, he was silent. Hee also p^resented a cirtifycate from Grauesand, a small plantation wthin y^e Duch jurisdiction, vnder the hand of Sr Henry Mody, Knight, and some others, directed to all admiralls, vice admiralls, captaines, &c. that he had tendered himselfe and vessell to serue y^e com^onwealth of England, but in what, is not expressed, nor did y^e court looke vpon it as at all concerning them, but rather as the contrivment of a guilty man to secure himselfe (if it might be) from such as by com^{is}sion might either seize the Duch, or such as in an vnderhand way furnish, releiue & support them. But he hauing no more to say, the court proceeded to sentence, and vpon the order before mentioned, wth due respect to his owne carriage, confession and prooffe, it was ordered, that Capt. Manning for two lyes (at least) told and so psisted in before authority, shall paye as a fine, (according to a law in this jurisdiction,) twenty shillings; that he beare all his owne charges, both here and at Millford, and his vessell, wth all his goods in her, by vertue of

y^e forementioned order from England, is by this court judged lawfull prize; and of these pceedings they will (wth their first conveniency) giue an humble account to y^e State of England, and in y^e meane time ordered, that a copie be at his charge deliuered to Capt. Manning.

After sentence, vpon Capt. Mannings desire, the court granted to him that both all his owne weareing apparrell in y^e vessell, and likewise the wearing apparrell belonging to Lawrance Pollett, one of his men, who had no hand in carrying away the vessell, be freely deliuered to them.

Lawrance Pollett, a Frenchman, and one of Capt. Mannings men, complained to y^e court that his master refuseth to paye him six monethes wages at twenty shillings the moneth, due to him for so longe service in y^e vessell. Capt. denyed not that so much was due to him, but would haue had him paide out of the vessell, but was told there is no reason for it, he hath received y^e freight and he must paye the wages, and accordingly ordered, that Capt. Manning paye the said Pollett six pounds, w^{ch} he promised to doe.

The Court took into consideration what allowance might be made to y^e men w^{ch} went from Millford wth some hazard, to recouer Capt. Mannings vessell out of the hand of bold, desperate men, armed, (in w^{ch} service they were aboute foure and twenty howers,) and being willing to incourage them and others in such publique service, either for the comon wealth of England, or for this jurisdiction, did order that they should haue twenty shillings apeece allowed to them out of y^e price of y^e vessell, and that what other charges haue bine aboute it is to be borne out of y^e same prize by the jurisdiction; and also, that those that haue attended this court aboute it, haue their charges allowed them whilest they so attended.

It is ordered that the vessell and tackling w^{ch} belongs to her, w^{ch} was Capt. Mannings, and now judged lawfull prize, should be sould at Millford on Tuesday next, at three a clocke in y^e afternoone, by an inch of a candell, he that offeres most to haue her, and that the price as it shall fall shall be paide in beefe, porke, wheat, pease, of each a like quantity, all of it good and merchantable, and at currant price as it goes at time

of payement, w^h is at or before the first of Nouember next, and that standing securitie be given, to y^e satisfaction of y^e authority at Milford, that the paye be made according to this order; and for sundrie other things in y^e vessell, as appeares by an inventory taken, (w^h are not alowed Captaine Manning & his man,) shall be sould by themselues at a due price, and y^e same paye, or better, Robert Treatt now profferring corne for them at the price they are in y^e said inventory vallewed at. [50] || Thomas Baxster being sent backe from Connecticot, was called before the court, and first the charges laide against him here in his passage towards Hartford were read, together w^h the testimonies giuen in vpon oath to proue them severally, and he was told that this court doe not at all medle w^h his cariage to the Duch Jurisdiction, whether at land or sea, or whether it concernd Duchmen or English vnder that gouernment, nor w^h offences giuen at Fairefeild, or his seizing the vessell belonging to Mr. Mayo, an Englishman of Plymouth Colonie, against whom neither trade, nor any compliance w^h the Dutch, contrary to the orders or directions of y^e co^monwealth of England is proued, but onely w^h the affronts he hath giuen, and the publike disturbance he hath made or indeavoured w^hin this colony; and leauing his injurious cariag towards Mr. Fowler, in intertaining & keepeing his servant against the masters will, (mentioned at the former court in March,) to further consideration, when M. Fowler sees cause, his publike miscarriages in this jurisdiction were abridged & reduced to these heads,

At Stamford he declared himselfe, that if any man traded but six penc w^h the Duch, he would take from him all that euer he had. Testified vpon oath by John Finch senior and Elizabeth Jagger.

Hee there further expressed his resolution to flourish his coulors, and beat vp the drumm for souldiours, (and w^hout any consent of authority,) and see who durst oppose him, he knew there were but three or foure in Stamford who were his enemies, and they were enemies and traytors to y^e State of England. Testified by Richard Mills vpon oath.

Hee there further professed he had or would doe something

to sett New England together by the eares. Testified vpon oath by George Slawson and John Finch. W^{ch} designe of his (could he haue reached it) would haue bine accounted a merritorious service to the Dutch, much ouerballancing all the hurt he could doe them by petty plunderings at sea or land.

The first of March last, Thomas Baxster coming in a cannow of Mr. Fowlers into Millford harbour to seize what he could belonging to Captaine Creeger, a Duch man, one of Millford told him it was their magistrats cannowe, he must leaue it there, and laid hands one the head of the cannowe to staye it, but Thomas Baxster not onely refused, but strooke the man wth a halfe pike betwixt the head and shoulders, and one of Baxsters company strooke at his hand wth a courtlace, another cockt his gunn and p^rsented it against him, and others stood wth their peeeces ready cockt and presented. Ensigne Bryan bad Baxster take heede he did not shoote, but one of his men boldly replied he would shoote. Abundantly testified by Ensigne Bryan and diuers others of Milford. W^{ch} might haue cost blood, euen the lives of Thomas Baxster and many others, had Milford men bine armed, but was a great affront and contempt of authority there, and directly contrary to the express words of his commission.

The charge being thus laide and proved, Thomas Baxster was asked if he had any thing to say, either to weaken the evidence or to justifie himselfe in these courses; he pretended he did not remember some of the pticulars, acknowledged he could not object against the witnesses, and feared that in passion and distemper he might speake such things as are charged; he therefore left himselfe wth the court, desiring them to be fauourable to him; and accordingly after due consideration, the court passed this sentence, That Thomas Baxster paye all charges expended through his default, whether here or at Millford, since he was first apprehended, and that [51] for the || forementioned miscariages and disturbances, he paye twenty pounds as a fine to the jurisdiction, and giue his owne bond of one hundered pounds, (himselfe professing, and the court apprehending he can giue no securitie,) that he

doe not in any kinde hereafter disturbe the peace of this jurisdiction, or of any plantations or psons therein.

And though it be propounded to this jurisdiction that Thomas Baxster and his commission be sent to Roade Island, yet if Connecticote consent, this court conceiue Roade Island, haueing called in his commission, will be satisfied if Thomas Baxster doe here resigne his cõmission, acknowledging his miscariages on the backe side of it vnder his hand. This the court propounded to Thomas Baxster, offering to wright to Connecticot accordingly, yet gaue him his free choyce, either to goe to Roade Island or to resigne as before. Thomas Baxster, after some time granted him for consideration, chose the latter, and accordingly, wth such an acknowledgment, gaue vp his cõmission. And vpon his ingagement by promise to returne heither againe the 8th of May next, or sooner if called for, and duely to attend what further order and directions either authority here, or Connecticot should giue, he had libertie to goe to Fairfield to order his family occasions.

Mr. Goodyear was desired to informe those of Newhaven w^{ch} have part of Paugaset wth him, that the court expects an answer from them, at the generall court in May next, whether they will put the said place vnder this jurisdiction or no.

AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 29th OF MAY, 1654.

PRESENT.

Theophilus Eaton, Esq^r, Gouverno^r.
Mr. Stephen Goodyeare, Dept' Gouverno^r.
Francis Newman,
Mr. William Fowler, } *Magistrats*.
Mr. William Leete, }

Thomas Staplies of Fairfield, plant'. } John Bankes,
Mr. Rogger Ludlow late of Fairfield, defendt. } attorney for
Thomas Staplies, declared, that Mr. Ludlow had defamed
Thomas Staplies wife, in reporting to Mr. Dauenport and

Mr^{is}. Dauenport that she had laid herself vnder a new suspicion of being a witch, that she had caused Knapps wife to be new searched after she was hanged, and when she saw the teates, said if they were the markes of a witch, then she was one, or she had such markes; secondly, Mr. Ludlow said Knapps wife told him that goodwife Staplies was a witch; thirdly, that Mr. Ludlow hath slandered goodwife Staplies in saying that she made a trade of lying, or went on in a tract of lying, &c.

Ensigne Bryan, attorny for Mr. Ludlow, desired the charge might bee proued, w^{ch} accordingly the plant' did, and first an attestation vnder Master Dauenports hand, conteyning the testimony of Master and Mistris Dauenport, was presented and read; but the defendant desired what was testified and accepted for prooffe might be vpon oath, vpon w^{ch} Mr. Dauenport gaue in as followeth, That he hoped the former attestation hee wrott and sent to the court, being compared wth Mr. [52] Ludlowes letter, || and Mr. Dauenports answer, would haue satisfied concerning the truth of the pticulars wthout his oath, but seeing Mr. Ludlowes attorny will not be so satisfied, and therefore the court requires his oath, and y^t he lookes at an oath, in a case of necessitie, for confirmation of truth, to end strife among men, as an ordinance of God, according to Heb: 6, 16, hee therevpon declares as followeth,

That Mr. Ludlow, sitting wth him & his wife alone, and discoursing of the passages concerning Knapps wife the witch, and her execution, said that she came downe from the ladder, (as he vnderstood it,) and desired to speake wth him alone, and told him who was the witch spoken of; and so farr as he remembers, he or his wife asked him who it was; he said she named goodwife Stapleies; Mr. Dauenport replied that hee beleueed it was vtterly vntrue and spoken out of malice, or to that purpose; Mr. Ludlow answered that he hoped better of her, but said she was a foolish woman, and then told them a further storey, how she tumbled the corpes of the witch vp & downe after her death, before sundrie women, and spake to this effect, if these be the markes of a witch I am one, or I haue such markes. Mr. Dauenport vtterly disliked the speech, not

haueing heard anything from others in that pticular, either for her or against her, and supposing Mr. Ludlow spake it vpon such intelligenc as satisfied him; and whereas Mr. Ludlow saith he required and they promised secrecy, he doth not remember that either he required or they promised it, and he doth rather beleue the contrary, both because he told them that some did ouerheare what the witch said to him, and either had or would spread it abroad, and because he is carefull not to make vnlawfull promises, and when he hath made a lawfull promise he is, through the help of Christ, carefull to keepe it.

M^{rs}. Dauenport saith, that Mr. Ludlow being at their house, and speakeing aboute the execution of Knapps wife, (he being free in his speech,) was telling seuerall passages of her, and to the best of her remembranc said that Knapps wife came downe from the ladder to speake wth him, and told him that goodwife Staplies was a witch, and that Mr. Dauenport replied something on behalfe of goodwife Staplies, but the words she remembers not; and something Mr. Ludlow spake, as some did or might ouerheare what she said to him, or words to that effect, and that she tumbled the dead body of Knapps wife vp & downe and spake words to this purpose, that if these be the markes of a witch she was one, or had such markes; and concerning any promise of secrecy she remembers not.

Mr. Dauenport and M^{rs}. Dauenport affirmed vpon oath, that the testimonies before written, as they properly belong to each, is the truth, according to their best knowledg & memory.

Mr. Dauenport desired that in takeing his oath to be thus vnderstood, that as he takes his oath to giue satisfaction to the court and Mr. Ludlowes attorney, in the matters attested betwixt M^r Ludlow & Thomas Staplies, so he lymits his oath onely to that pt and not to y^e preface or conclusion, they being no pt of the attestation and so his oath not required in them.

To the latter pt of the declaration, the plant['] pduced y^e prooffe following,

Goodwif Sherwood of Fairfeild affirmeth vpon oath, that vpon some debate betwixt Mr. Ludlow and goodwife Staplies, she heard M^r Ludlow charge goodwif Staplies wth a tract of

lying, and that in discourse she had heard him so charge her seuerall times.

John Tompson of Fairfeild testifyeth vpon oath, that in discourse he hath heard Mr. Ludlow express himselfe more then once that goodwife Staplies went on in a tract of lying, and when goodwife Staplyes hath desired Mr. Ludlow to convince her of telling one lye, he said she need not say so, for she went on in a tract of lying.

Goodwife Gould of Fairefeild testifyeth vpon oath, that in a debate in y^e church wth Mr. Ludlow, goodwife Staplyes [53] desired him to show her wherein she || had told one lye, but Mr. Ludlow said she need not mention pticulars, for she had gon on in a tract of lying.

Ensigne Bryan was told, he sees how the plantife hath proued his charge, to w^{ch} he might now answer; wherevpon he presented seuerall testimonies in wrighting vpon oath, taken before Mr. Wells and Mr. Ludlow. The plant' objected that the wrighting presented was not that w^{ch} was written from the witnesses by Mr. Ludlow himselfe, w^{ch} he thought was not so faire pceeding as if another who was not interessed had writt them, but these are copies, yet not attested by the hand of any publique officer to be true copies, yet the court caused y^m to be read that they might make such vse of them as they should se cause, w^{ch} testimonies are as followeth,

May the thirteenth, 1654.

Hester Ward, wife of Andrew Ward, being sworne deposeth, that aboute a day after that goodwife Knapp was condemned for a witch, she goeing to y^e prison house where the said Knapp was kept, she, y^e said Knapp, voluntarily, w^{thout} any occasion giuen her, said that goodwife Staplyes told her, the said Knapp, that an Indian brought vnto her, the said Staplyes, two litle things brighter then the light of the day, and told the said goodwife Staplyes they were Indian gods, as the Indian called y^m; and the Indian wthhall told her, the said Staplyes, if she would keepe them, she should be so big rich, all one god, and that the said Staplyes told the said Knapp, she gaue them again to the said Indian, but she could not tell whether she did so or no.

Luce Pell, the wife of Thomas Pell, being sworne deposeth as followeth, that aboute a day after goodwife Knapp was condemned for a witch, M^{rs}. Jones earnestly intreated her to goe to y^e said Knapp, who had sent for her, and then this deponent called the said Hester Ward, and they went together; then the said Knapp voluntarily, of her owne accord, spake as the said Hester Ward hath testified, word by word; and the said M^{rs}. Pell further saith, that she being one of y^e women that was required by the court to search the said Knapp before she was condemned, & then M^{rs}. Jones presed her, the said Knapp, to confess whether ther were any other that were witches, because goodwife *goodwife* Basset, when she was condemned,* said there was another witch in Fairefeild that held her head full high, and then the said goodwife Knapp stepped a litle aside, and told her, this deponent, goodwife Basset ment not her; she asked her whom she ment, and she named goodwife Staplyes, and then vttered the same speeches as formerly concerning y^e Indian gods, and that goodwife Staplyes her sister Martha told the said goodwife Knapp, that her sister Staplyes stood by her, by the fire in there house, and she called to her, sister, sister, and she would not answer, but she, the said Martha, strucke at her and then she went away, and y^e next day she asked her sister, and she said she was not there; and M^{rs}. Ward doth also testify wth M^{rs}. Pell, that the said Knapp said the same to her; and the said M^{rs}. Pell saith, that aboute two dayes after the search afforesaid, she went to y^e said Knapp in prison house, and the said Knapp said to her, I told you a thing the other day, and goodman Staplies had bine wth her and threatened her, that she had told some thing of his wife that would bring his wiues name in question, and this deponent she told no body of it but her husband, & she was much moued at it.

Elizabeth Brewster being sworne, deposeth and saith, that after goodwife Knap was executed, as soone as she was cut downe, she, the said Knapp, being caried to the graue side, goodwife Staplyes wth some other women went to search the said Knapp, concerning findeing out teats, and goodwife Staplyes handled her verrey much, and called to goodwife Lockwood, and said, these were no witches teates, but such as she herselfe had, and other women might haue the same, wringing her hands and takeing y^e Lords name in her mouth, and said,

* Reference is made a little further on, to the confession made by "the witch at the other town." We find in the records of Connecticut, under date of May, 1651, that governor Haynes, Mr. Cullick and Mr. Clarke were desired to go down to Stratford, to keep court upon the trial of goody Bassett for her life.

will you say these were witches teates, they were not, and called vpon goodwife Lockwood to come & see them; then this deponent desired goodwife Odell to come & see, for she had bine vpon her oath when she found the teates, and she, this depon^t, desired the said Odill to come and clere it to good-[54] wife Staplies; || goodwife Odill would not come; then the said Staplies still called vpon goodwife Lockwood to come, will you say these are witches teates, I, sayes the said Staplies, haue such myselfe, and so haue you if you search yo^rselfe; goodwife Lockwood replied, if I had such, she would be hanged; would you, sayes Staplies, yes, saith Lockwood, and deserve it; and the said Staplies handeled the said teates very much, and pulled them wth her fingers, and then goodwife Odill came neere, and she, the said Staplies, still questioning, the said Odill told her no honest women had such, and then all the women rebuking her and said they were witches teates, then the said Staplies yeilded it.

Mary Brewster being sworn & deposed, saith as followeth, that she was present after the execution of y^e said Knapp, and she being brought to the graue side, she saw goodwife Staplies pull the teates that were found aboute goodwife Knapp, and was verey earnest to know whether those were witches teates w^{ch} were found aboute her, the said Knapp, wⁿ the women searched her, and the said Staplies pulled them as though she would haue pulled them of, and p^resently she, this depon^t, went away, as hauing no desire to looke vpon them.

Susan Lockwood, wife of Robert Lockwood, being sworne & examined saith as fo^{ll}, that she was at the execution of goodwife Knapp that was hanged for a witch, and after the said Knapp was cut downe and brought to the graue, goodwife Staplies, wth other women, looked after the teates that the women spake of appointed by the magistrats, and the said goodwife Staplies was handling of her where the teates were, and the said Staplies stood vp and called three or foure times and bid me come looke of them, & asked her whether she would say they were teates, and she made this answer, no matter whether there were teates or no, she had teates and confessed she was a witch, that was sufficient; if these be teates, here are no more teates then I myselfe haue, or any other women, or you either if you would search yo^r body; this depon^t saith she said, I know not what you haue, but for herselfe, if any finde any such things aboute me, I deserved to be hanged as she was, and yet afterward she, the said Staplies, stooped downe againe and handled her, y^e said Knapp, verey much, aboute y^e place where the teates were, and seuerall of

y^e women cryed her downe, and said they were teates, and then she, the said Staplyes, yeilded, & said verey like they might be teates.

Thomas Sheruington & Christopher Combstocke & goodwife Baldwine were all together at the prison house where goodwife Knapp was, and y^e said goodwife Baldwin asked her whether she, the said Knapp, knew of any other, and she said there were some, or one, that had receiued Indian gods that were very bright; the said Baldwin asked her how she could tell, if she were not a witch herselfe, and she said the party told her so, and her husband was witnes to it; and to this they were all sworne & doe depose.

Rebecka Hull, wife of Cornelius Hull, being sworne & examined, deposeth & saith as followeth, that when goodwife Knapp was goeing to execution, Mr. Ludlow, and her father Mr. Jones, pressing the said Knapp to confess that she was a witch, vpon w^{ch} goodwife Staplies said, why should she, the said Knapp, confess that w^{ch} she was not, and after she, the said goodwife Staplyes, had said so, on that stood by, why should she say so, she the said Staplyes replied, she made no doubt if she the said Knapp were one, she would confess it.

Deborah Lockwood, of the age of 17 or thereabouts, sworne & examined, saith as followeth, that she being present when goodwife Knapp was goeing to execution, betweene Tryes & the mill, she heard goodwife Staplyes say to goodwife Gould, [55] she was pswaded || goodwife Knapp was no witch; goodwife Gould said, sister Staplyes, she is a witch, & hath confessed had had familiarity wth the Deuill. Staplies replied, I was wth her yesterday, or last night, and she said no such thing as she heard.

Aprill 26th, 1654.

Bethia Brundish, of the age of sixteene or thereabouts, maketh oath, as they were goeing to execution of goodwife Knapp, who was condemned for a witch by the court & jury at Fairfeild, there being present herselfe & Deborah Lockwood and Sarah Cable, she heard goodwife Staplyes say, that she thought the said goodwife Knapp was no witch, and goodwife Gould presently reproofed her for it.

Witnes

Jurat' die & anno p^rdicto,

Andrew Warde,

Coram me,

Ro Ludlowe.

The plant' replied that he had seuerall other witnesses w^{ch} he thought would cleere the matters in question, if the court please to heare them, w^{ch} being granted, he first presented a

testimony of goodwife Whitlocke of Fairfeild, vpon oath taken before Mr. Fowler at Millford, the 27th of May, 1654, wherein she saith, that concerning goodwife Staplyes speeches at *at* the execution of goodwife Knapp, she being present & next to goody Staplyes when they were goeing to put the dead corpes of goodwife Knapp into the graue, seuerall women were looking for the markes of a witch vpon the dead body, and seuerall of the women said they could finde none, & this depon^t said, nor I; and she heard goodwife Staplyes say, nor I; then came one that had searched the said witch, & shewed them the markes that were vpon her, and said what are these; and then this depon^t heard goodwife Staplyes say she never saw such in all her life, and that she was pswaded that no honest woman had such things as those were; and the dead corps being then p^rsently put into the graue, goodwife Staplyes & myselfe came imediately away together vnto the towne, from the place of execution.

Goodwife Barlow of Fairfeild before the court did now testify vpon oath, that when Knapps wife was hanged and ready to be buried, she desired to see the markes of a witch and spake to one of her neighbours to goe wth her, and they looked but found them not; then goodwife Staplyes came to them, and one or two more, goodwife Stapleyes kneeled downe by them, and they all looked but found y^m not, & said they saw nothing but what is co^mon to other women, but after they found them they all wondered, and goodwife Staplyes in p^ticular, and said they neuer saw such things in their life before, so they went away.

The wife of John Tompson of Fairefeild testifyeth vpon oath, that goodwife Whitlock, goodwife Staplyes and herselfe, were at the graue and desired to see y^e markes of the witch that was hanged, they looked but found them not at first, then the midwife came & shewed them, goodwife Staplyes said she neuer saw such, and she beleeeved no honest woman had such.

The wife of Richard Lyon, and goodwife Squire of Fairefeild affirme to the same purpose, as appeares by a wrighting p^rsented, but not vpon oath.

Goodwife Sherwood of Fairefeild testifyeth vpon oath, that

that day Knapps wife was condemned for a witch, she was there to see her, all being gone forth but goodwife Odill and her selfe, then their came in M^{rs}. Pell and her two daughters, Elizabeth & Mary, goody Lockwood and goodwife Purdy; M^{rs}. Pell told Knapps wife she was sent to speake to her, to [56] haue her confess that for w^{ch} she was || condemned, and if she knew any other to be a witch to discover them, and told her, before she was condemned she might thinke it would be a meanes to take away her life, but now she must dye, and therefore she should discouer all, for though she and her family by the providence of God had brought in nothing against her, yet ther was many witnesses came in against her, and she was cast by the jury & godly magistrats hauing found her guilty, and that the last evidence cast the cause. So the next day she went in againe to see the witch wth other neighbours, there was M^r. Jones, M^{rs}. Pell & her two daughters, M^{rs}. Ward and goodwife Lockwood, where she heard M^{rs}. Pell desire Knapps wife to lay open herselfe, and make way for the minister to doe her good; her daughter Elizabeth bid her doe as the witch at the other towne did, that is, discouer all she knew to be witches. Goodwife Knapp said she must not say anything w^{ch} is not true, she must not wrong any body, and what had bine said to her in private, before she went out of the world, when she was vpon the ladder, she would reveale to M^r. Ludlow or y^e minister. Elizabeth Bruster said, if you keepe it a litle longer till you come to the ladder, the diuill will haue you quick, if you reveale it not till then. Good: Knapp replied, take heed the devile haue not you, for she could not tell how soone she might be her companyon, and added, the truth is you would haue me say that goodwife Staplyes is a witch, but I haue sinns enough to answer for allready, and I hope I shall not add to my condemnation; I know nothing by goodwife Staplyes, and I hope she is an honest woman. Then goodwife Lockwood said, goodwife Knapp what ayle you; goodman Lyon, I pray speake, did you heare vs name goodwif Staplyes name since we came here; Lyon wished her to haue a care what she said and not breed differenc betwixt neighbours after she was gone; Knapp

replied, goodman Lyon hold yo^r tongue, you know not what I know, I haue ground for what I say, I haue bine fished wthhall in private more then you are aware of; I apprehend goodwife Staples hath done me some wrong in her testimony, but I must not render euill for euill. Then this depon^t spake to goody Knapp, wishing her to speake wth the jury, for she apprehended goodwife Staplyes witnessed nothing contrary to other witnesses, and she supposed they would informe her that the last evidenc did not cast y^e cause; she replied that she had bine told so w^{thin} this halfe houre, & desired Mr. Jones and herselfe to stay and the rest to depart, that she might speake wth vs in private, and desired me to declare to Mr. Jones what they said against goodwife Staplyes the day before, but she told her she heard not goodwife Staplyes named, but she knew nothing of that nature; she desired her to declare her minde fully to M^r Jones, so she went away.

Further this depon^t saith, that comeing into the house where the witch was kept, she found onely the wardsman and goodwife Baldwine there, goodwife Baldwin whispered her in the eare and said to her that goodwife Knapp told her that a woman in y^e towne was a witch and would be hanged w^{thin} a twelue moneth, and would confess herselfe a witch and cleere her that she was none, and that she asked her how she knew she was a witch, and she told her she had received Indian gods of an Indian, w^{ch} are [57] shining || things, w^{ch} shine lighter then the day. Then this depon^t asked goodwife Knapp if she had said so, and she denied it; goodwife Baldwin affirmed she did, but Knapps wife againe denied it and said she knowes no woman in the towne that is a witch, nor any woman that hath received Indian gods, but she said there was an Indian at a womans house and offerred her a coople of shining things, but the woman neuer told her she tooke them, but was afraide and ran away, and she knowes not that the woman euer tooke them. Goodwife desired this depon^t to goe out and speake wth the wardsmen; Thomas Shervington, who was one of them, said hee remembred not that Knapps wife said a woman in the towne was a witch and would be hanged, but spake something of shining things, but Kester, M^r. Pells man, being

by said, but I remember; and as they were goeing to the graue, goodwife Staplyes said, it was long before she could beleeve this poore woman was a witch, or that their were any witches, till the word of God convinced her, w^{ch} saith, thou shalt not suffer a witch to liue.

Thomas Lyon of Fairfeild testifyeth vpon oath, taken before Mr. Fowler, the 27th May, 1654, that he being set by authority to watch wth Knapps wife, there came in M^{rs}. Pell, M^{rs}. Ward, goodwife Lockwood, and M^{rs}. Pells two daughters; the fell into some discourse, that goodwife Knapp should say to them in private w^{ch} goodwife Knapp would not owne, but did seeme to be much troubled at them and said, the truth is you would haue me to say that goodwife Staplyes is a witch; I haue sinnes enough allready, I will not add this to my condemnation, I know no such thing by her, I hope she is an honest woman; then goodwife Lockwood caled to mee and asked whether they had named goodwife Staplyes, so I spake to goodwife Knapp to haue a care what she said, that she did not make difference amongst her neighbours when she was gon, and I told her that I hoped they were her frends and desired her soules good, and not to accuse any out of envy, or to that effect; Knapps wife said, goodman Lyon hold yo^r tongue, you know not so much as I doe, you know not what hath bine said to me in private; and after they was gon, of her owne accord, betweene she & I, goody Knapp said she knew nothing against goodwife Staplyes of being a witch.

Richard Lyon of Fairfeild affirmeth to the same purpose as Tho: Lyon doth, as appeares by a wrighting vnder his hand, but not vpon oath.

Goodwife Gould of Fairfeild testifyeth vpon oath, that goodwife Sherwood & herselfe came in to see the witch, there was one before had bine speaking aboute some suspicious words of one in the towne, this depon^t wished her if she knew anything vpon good ground she would declare it, if not, that she would take heede that the deuill pswaded her not to sow malicious seed to doe hurt when she was dead, yet wished her to speake the truth if she knew anything by any pson; she said she knew nothing but vpon suspicion by the rumours

she heares; this depon^t told her she was now to dye, and therefore she should deale truly; she burst forth into weeping and desired me to pray for her, and said I knew not how she was tempted; neuer, neuer poore creature was tempted as I am tempted, pray, pray for me. Further this depon^t saith, as they were goeing to y^e graue, Mr. Buckley, goodwife Sherwood, goodwife Staplye and myselfe, goodwife Staplyes was next me, she said it was a good while before she could beleue this woman was a witch, and that she could not beleue a good while that there were any witches, till she went to y^e word of God, and then she was convinced, and as she remembers, goodwife Stapleyes went along wth her all the way till they came at y^e gallows. Further this deponent saith, that Mr. Jones some time since that Knapps wife was condemned, did tell her, and that wth a very cherefull countenance & blessing God for it, that Knapps wife had cleered one in y^e towne, & said you know who I meane sister Staplyes, blessed be God for it.

Ensigne Bryan informed the court that one pticular in y^e charge he heard not of before, and therefore is not prepared to answer, but desires further tim^e for that pt, and he will be bound to answer Thomas Staplyes in it when the court shall appointe, w^{ch} the court told him they would consider of.

[58] || The plant' and defendt' haucing spoken what they pleased in y^e case, the court considered of what hath bine alleadged and proved on both sides, and though they are not satisfyed in the evidences p^rsented by Ensigne Bryan, yet they haue considered what the seuerall witnesses speake therein, and finde not that they take of the testimony giuen in on the other side, nor doe they justify Mr. Ludlow in y^e defameing expressions of goodwife Staplyes, yet wthall they consider that he said hee thought them not true, yet they tend to defamation, the court in their sentence shall incline to more fauour then possibly they should doe if Mr. Ludlow was here, but the third pt of the charge being left till another time, vpon Ensigne Bryans ingagm^t to answer it at the next court of magistrats here, or sooner if called to it, for y^e former parts of the charge, they see no cause to lay any blemish of a witch vpon goodwife

Staplies, but must judg that Mr. Ludlow hath done her wrong, and therefore is by this court ordered to pay to Thomas Staplies, by way of fine for reparation of his wiues name, tenn pounds, and for his trouble & charge in following the suit, five pounds more, the latter pt of y^e charge being left as before expressed.

Capt. Nathaniell Silvester entered an action of defamation against John Scott, wherein John Youngs was included, and John Youngs entered an action of defamation against Capt. Silvestr, but afterward they all made a private agreem^t among themselues, and so ceased to psecute any further.

Capt. Silvester entered an action against Jn^o Peakin of Southold, for entertayning some of his servants, but when he came to plead, failed in his prooffe and was content his action should fall, and the ten shillings received for entry of y^e action y^e court returned.

Mr. Leueridg of Oyster Bay, plant.

Capt. Silvester of Shelter Island, defendt. } Mr. Leueridg declared that he had bought a certaine debt of Mr^s. Carman of Hempsted, due from Capt. Silvester by bill and deteyned by him, to the vallew of five & forty pounds, and doth now desire the justice of the court, that he might haue the saide debt wth just damages for none-payement when first due.

Captaine Silvester said that he owed Mr. Leueridg nothing, but to Mr^{is}. Carman hee owes foure & forty or five & forty pound, w^{ch} is to bee paide in strong water, salt beefe, and other goods, wth first conveniency, but no time is sett, and that hee did endeaour to send it quickly after the debt was made, by Joseph Alsop, but he would not cary it, and after by Leutenant Seely, but he refused also, and some of the comodities being leaky, he thought it best to dispose of them, and John Ogden coming to his island, and being willing to buy the goods, and for his paye would turne ouer a bill he had of Mr^{is}. Carmans for fifty pounds, to be paid in beaur; so they agreed, and he sent Mr^{is}. Carman word of it, and she returned answer that she had sold her bill to Mr. Leueridg, but w^{ch} was don first did not cleerly appeare to y^e court, though Mr. Leueridg by some circumstances endeaoured to proue that he

bought the bill of M^{rs}. Carman first, and one M^r. Washborne of Hempsted, now in court, said he could testify that M^{rs}. Carman had sold her bill to M. Leueridg, but whether before John Ogden sold his to the Capt. he cannot tell, and some questions being put to M^r. Leueridg concerning the buying this bill, what consideration was giuen for it, or whether it were not a matter in trust, could not be sufficiently cleered, [59] M^r. Leueridg hauing said that he expected not || to meete the Capt. here, and so hath not some wrightings ready, w^{ch} did necessarily occasion a respite of y^e cause, that things may be further cleered and issued at the court of magistrats, to be held at Newhauen the third Wedensday in October next, vnless they doe in y^e meane time issue it betweene themselues in a private way. And Capt. Silvester and M. Giles Silvestr, his brother, ingage themselues in forty five pound sterling to answer M. Leueridg here at Newhaven, at the time before mentioned, w^{ch} M^r. Leueridg accepted.

The last will and testam^t of M^r. Edmund Tapp, late of Millford deceased, was p^resented in court, made the first of Aprill, 1653, confirmed by his owne hand and seale, and testified vpon oath by Richard Miles and Henry Glouer of Newhauen at a court held at Millford.

Also an inventory of the estate of the said M^r. Edmund Tapp, amount' to 713^l: 01^s: 04^d, prised the 26th of Aprill, 1653, by Ensigne Bryan, Sarjant East and Thom: Welch, and by them testified vpon oath to be a true apprisment, at a court at Millford.

The last will and testam^t of Edwa: Wigglesworth, late of Newhaven deceased, was presented to y^e court, made the 12th of July, 1653, confirmed by his owne hand and seale, & witnessed by M^r. John Dauenport, M^r. William Hooke, and M. Mathew Gilbert.

Also the inventory of the estate of the said Edwa: Wigglesworth, amount' to 401: 14: 02^d: prised by M^r. Gilbert & Richard Miles, the 31th of March, 1654, and by them testified vpon oath to be a true apprisment, at a court held at Newhauen the 2^d of May, 1654.

The last will and testam^t of John Basset, late of Newhauen

deceased, was presented to the court, made the 17th of February, 1652, confirmed by his owne hand, and witnessed by Richard Miles & John Harriman vpon oath, at a court held at Newhauen 1th Nouem̃ & 3^d February, 1653.

Also an inventory of the estate of the said John Basset, amount' to 69^{li}: 19^s: 00, prised by Thom: Munson & John Harriman, the 21th of Febr. 1652, and by them testified vpon oath to be a true aprism^t, at a court held at Newhauen, y^e first of Nouem̃. & 3^d January, 1653.

The last will & testam^t of Hen: Pecke, late of Newhauen deceased, was p^resented to the court, made the 30th of October, 1651, witnessed by William Pecke, Jn^o Moss, and Sam: Whithead vpon their oath, at a court held at Newhauen, the 2^d of May, 1654.

Also an inventory of the estate of y^e said Hen: Peck, amount' to 56^{li}: 2^s: 8^d, prised the 30th of Nouem̃., 1651, by Sam: Whithead and Rogger Allen, & by them testified vpon oath to be a true aprism^t, at a court at Newhauen, the 2^d of May, 1654.

The last will and testam^t of Capt. Wood was presented, written by M. Goodyear and proued to be his minde & will by y^e oath of Capt. Seamo^r Jacobson & John Harriman.

Also an inventory of y^e estate of y^e said Capt. Wood, amount to 25: 09^s: 09^d, prised by Mathew Gilbert, Jn^o Nash & Jn^o Harriman, and by them testified vpon oath to be a true apprism^t, at Newhaven the 10th of Septem̃., 1652, before y^e gouerno^r.

[60] AT A COURT OF ELECTION HELD AT NEWHAUEN FOR
Y^e JURISDICTION MAY 31th, 1654.

Theophilus Eaton, Esq^r, chosen Gouverno^r.

Mr. Stephen Goodyear, chosen Dept' Gouverno^r.

Francis Newman, chosen Magistrat
Mr. Samuuell Eaton, chosen Magistrate } for Newhauen.

Capt. Astwood, } Magistrats for Millford.

Mr. Benja: Fenn, }

Mr. Leete, Magistrate for Guilford.

For Cõmission's, the Court of Election lefte it to the Gen'll Court to chuse them, but not to act but vpon y^e terms the Gen'll Court sees cause.

M' Atwater chosen Treasurer.

Francis Newman, chosen Secretary.

Thomas Kimberly, chosen Marshall.

AT A GENERALL COURT HELD AT NEWHAUEN FOR THE JURISDICTION, THE 31th OF MAY, 1654.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouvernor.

M' Stephen Goodyeare, Dept. Gouvernor.

Francis Newman, Magistrate for Newhauen.

M' Benja: Fenn, Magistrat for Millford.

M' William Leete, Magistrat for Guilford.

Deputies.

Mr. William Gibbard, N. H.
Henry Lindon,

Robert Treate, Millford.
Thomas Welch,

M' Chittendine, Guilford.
M' Jordan,

Richard Law, Stamford.
Francis Bell,

Barnabas Horton, Southold.
John Peakin,

M' Crane, Brandford.
Lawranc Ward,

The deputies hauing p^rsented their cirtifycates, the court p^rceeded, and first Capt. Nathaniel Silvester hauing bine questioned in y^e court of magistrats (by reason of an action he entred against John Scott, wherein Jn^o Youngs, Jun^r, of Southhold was included,) for sundrie miscariages, and pticu-

larly some towards this jurisdiction, as that he should say it was a tyranicall gouernm^t, as was testified by Mr. Joseph Youngs and Roger Cheston of Southhold, beside other offensive carriage concerning the Saboth, & ordinances, &c., at w^h court he also shewed much passion and hight of spirit, to the courts great dissatisfaction, w^h they manifested toward him. The gouerno^r now informed the court that Capt. Silvester had [61] bine w^h him and professed he saw || his miscariages towards the jurisdiction and the court, and desired hee might haue opttunity to giue the court satisfaction, w^h being granted he said, there is testimony giuen in that he should say this gouernm^t is a tyranicall gouernm^t, w^h he cannot deny, for he did speake some words to that purpose and is heartly sorey for it, and craues pardon of the court, as also for the just offence he gaue at Southold in saying, (vpon supposition of an order made to keepe him out of their towne,) that if any mett him in the streets and medled w^h him he would pistoll them, and in other respects he hath caried it w^h two much bitterness of speech, w^h he now sees the euill of and hopes he shall walke inofensiuely for time to come.

After consideration, the court told Capt. Silvester that they haue considered his acknowledgm^t, and are willing to take satisfaction, hoping he sees his euill and that by Gods assistance he will walke so as not to giue offence hereafter, either in pointe of the Saboth, or towards the jurisdiction, or Southold in p^ticular, and in that frame they intend to walke towards him, and though they might require a wrighting for securitie hereof, yet they shall rest vpon his word and pmise, w^h he now made, to ingage himselfe to an inoffensive carriage hereafter.

John Youngs, jun., of Southold appeared before the court, against whome sundrie complaints from Southold haue bine made of great miscariages, tending to disturbe the peace of y^e jurisdiction and ouerthrow the foundations of gouernm^t here laid and to raise an open rebellion against this colony, of w^h he had before now bine informed and was now againe reminded of, but the court vnderstanding by letters from Southhold that though there haue bine sundrie differences and contentions

among them, to issue w^h they intended to haue come to this court, but now they haue agreed among themselues and desired that all may be buried in y^e lake of oblivion, and the court not being willing to stirr vp or disturbe mens spirits, if they might haue any good ground of hope that they would cary it peaceably for the future, did alow of what they had don.

And concerning John Youngs, he did now acknowledg that he hath miscaryed many wayes, speaking rash and foolish words and such as haue tended to sedition, was vnsatisfyed that he had not his vote in chusing millitary officers, and that such he would not follow as he did not chuse, he is sorey he hath giuen such just offence and hopes he shall take warning and walke to better satisfaction hereafter; so that vpon the desire of Southold, his owne acknowledgm^t now made and pmise of amendm^t, the court past by and remitted his offence w^hout fine or punishment, but did order that he shall giue bond to the jurisdiction to the valew of one hundred pound sterling, that he will hereafter attend his oath of fidelitie taken to y^e jurisdiction and maintayne the lawes here established, and not disturbe the peace of the same or any plantation therein; w^h bond was giuen and he dismissed.

Robert Basset hauing bine questioned at two former courts for diuers miscariages proued against him and confessed by him, was now called befor the court, and told that the court expects from him an acknowledgm^t of his miscariages and of his purpose and resolution by Gods help to walke in a better manner hereafter.

Robert Basset said, concerning that letter he receiued w^hout a name subscribed, he did not doe as he ought in so weighty a buisnes, not considering of it nor seeing that in it w^h he since sees, but something being in it w^h suited his present affection against the Duch and his corrupt oppinion concerning the votes, whereby his eyes were then blinded, he is heartily sorey for it, and if God had not stopped him, for ought he knowes, it might haue wrought great disturbance; and for his disturbing the peace of the colony and opposing [62] the wayes || of gouerm^t, hee sees his euill in it in some measure, and hopes he shall see it more, for he is convinced

that the way of gouern^t here settled is according to God, w^h he hath not honno^red as he ought, and had hee hono^red God, He would haue helped him to hono^r the gouern^t, w^h he did not, and is heartily sorry for it; concerning the vncomfortable words in the towne meetings at Stamford, w^h haue tended much to disturbe the peace of that place, and much greive the hearts of Gods people, w^h doth now cause sorrow of heart in him, and he hopes that as he hath bine an instrum^t of dishono^r to God in that place, so he desires to be an instrum^t of His hono^r there; and concerning y^e letter w^h he caried from Stamford, wherein he was imployed by the towne, at that time he apprehended it for the peace of y^e place, but he now sees that he did not then see the bottom of it, for it did tend to dishono^r the gouern^t here and preferr another gouern^t before it; these and other his miscariages he said he was sorey for, and desires the court to be mercifull to him, hoping he shall be watchfull hereafter, and added that he lookes vpon this as an agravation of his sinn, that all this was against his oath of fidellitie and from the great pride of his spirit.

Robert Basset was told that the court doth incline the more to be satisfyed, because the haue receiued a certifiacte from Stamford w^h doth giue a good testimony of his acknowledgm^t of his euill there, and of some reformation begune, and of his walking in a contrary way to his former way of disturbance, and therefore vpon their desire, and what he hath now acknowledged, w^h his promise of a better walkeing hereafter, the court doth remitt his offence, but ordered that he giue bond to the jurisdiction, to the valew of one hundered pound sterling, that hee will hereafter attend his oath of fidellitie and the lawes of the jurisdiction, and will not at any time disturbe the peace of this colony, or of any plantation therein; w^h bond was giuen & he dismissed.

The deputies of Southold p^rsented to y^e court a wrighting from their towne, wherein it is desired that Barnabas Horton and John Peaken, the two present deputies for Southold, may be chosen constables for that plantation; w^h was done, and they haue the same power comitted to them as was giuen to the constable of Southold the 30th May, 1649, fo: 176, and

they now tooke oath that they would, by y^e help of God, faithfully discharg the trust comitted to them.

The said constables were desired to see that those in their towne who haue not taken the oath of fidelitie doe forthwth take it, and those w^{ch} refuse are to be bound ouer to answer it at the court of magistrats, to be held here the third Wedensday in October next.

The said dept' also informe the court that Thom: Benidict and some others who liue nere Southold doe desire to joyne wth them, w^{ch} the court advised to, so it might be to mutuall satisfaction.

Mr. Wells of Southold sent a petition to the court to be freed from all publike service in y^e jurisdiction hereafter, w^{ch} y^e court saw no cause to grant.

It was propounded that the dept' sent from the seuerall plantations for y^e generall court might be vnder oath to be faithfull in y^e trust comitted to them, but because it hath not heitherto bine done, and no oath prepared in that case, it was referred to another season.

Richard Law, Francis Bell and John Holly, are chosen deputies for Stamford, who are to keepe court and cary on civill in that plantation for y^e yeare ensuing, and haue the same power comitted to them as was giuen to the deputies of Totoket, alis Brandford, by the Generll Court, the 29th of May, 1651, as it is entred fo: 303; and Richard Law and Fran: Bell did now take the deputies oath, and they are to administer the said oath to the other deputie at Stamford.

[63] || Old Mr. Swaine, Mr. Crane, Samuell Swaine and Lawrance Ward, are chosen deputies for Brandford for y^e yeare ensuing, and haue the same power comitted to them as the deputies of that plantation had giuen them May 29th, 1651, fo: 303, and Mr. Crane and Lawrance Ward did now take the deputies oath, and they were to administere the said oath to the other deputies there.

It is ordered that the size of caske for packing vp of flesh for sale in this jurisdiction shall be eight and twenty gallons, and that an officer in euery plantation be appointed, who shall be vnder oath, to see that they are full gaged so much, who shall

sett his marke vpon them, knowne to be the gagers marke, that it may appeare they haue passed his view; and whosoever shall breake this order, by packing in caske of a less size, shall forfeite ten shillings for each barell, and this order to be so published that euery buyer may know what to expect before he make or conclude the bargaine, that he haue no cause of after complainte.

Vpon some question propounded to the court concerning Mr. Wells his children, which were Henry Tuttils of Southold, it is ordered that what evidenc can be procured for further cleering the childrens portions, should be speedily sent to the gouernor at Newhaven, at furthest betwixt this and the court of magistrats to be held at Newhauen the third Wedensday in October next, and if Mr. Wells should remoue from Southold, that so much of his estate be securied as may answer, not onely the pportions already appointed, but also a meete some for that wch may vpon evidence further appeare to be due to them.

John Peakin hath lycense from this court to sell stronge water at Southold, pvided that he attend the orders of the jurisdiction in that case, both to English & Indians.

The Court being informed that by reason of Leiutennats Budds absence, Southold is left destitute of a fitt man to exercise the millitary company there, and that one Charles Glouer had some time done it since Leiutennant Budd went to England, but because he had not this courts allowance therein, hee would not pceede; wherefore the court now declares, (that vnderstanding he is a member of y^e church of Salem, and had he letters of reco^mendation, he might be admitted a freeman as others are,) that he doe resume that worke, & exercise the millitary company at Southold, and be helpfull in ordering y^e watches and other service of that nature, till further order from this court, pvided that he take the oath of fidelitie to be faithfull of the jurisdiction, but if he refuse, as he is to be bound to answer it here at Newhauen at the court of magistrats, so the trust is still to continew in the hands of Barnabas Winds, who is a corporall to that company, till further order, and the constables are desired to assist and be helpfull to him

in setting & ordering the watches, of w^h burden he much complaineth.

It is ordered that in euery plantation in this jurisdiction there shall be a viewer of corne, that in case of difference may judg whether it be well dressed and merchantable or no, w^h man is to be chosen by each plantation, and shall bee vnder oath to judg faithfully when called to it, and is to be payde for his time spent and paines therein by him whose corne is faulty, or who vnneccessarily occasions the trouble.

It is ordered that vpon the admittance of any man as a planter into any plantation in this jurisdiction, the fundamentall lawes and orders concerning votes, &c., shall be read to them, and if approved, the oath of fidellitie shall be administred to them, the plantation w^h is to receive them being satisfied in other respects, by a satisfying cirtifycate from sufficient credible psons, of their good behav^r & conversation.

The Gouvernor informed the court that Mr. Leueridg had bine w^h him and propounded to know whether their plantation at Oyster Bay might not joyne and be admitted a member [64] of this colony; he also ppounded || some objections, aboute a pattent, aboute publique charges in this jurisdiction aboute others, w^h some thing aboute keepeing courts at their owne plantation, all w^h was answered so as he objected no further, but desired to know if vpon further speech w^h their towne they desire to be receiued, whether it might be done w^hout y^e generall courts meeting againe. The court considered of what was propounded, and declared, that if, vpon their full vnderstanding the fundamentall lawes and orders for gouern^t here established, they shall desire to joyne, and that they doe vpon their admittance take the oath of fidellitie as before ordered, and in a wrighting subscribed by them solely ingage themselues to a full observanc thereof, they may be receiued as a member of this jurisdiction.

An old debt of six & twenty shillings oweing by Jn^o Chapman to the jurisdiction for pte of a fine was now remitted.

An old debt of foure pound seuen shillings due from Southold, (w^h, by reason of the death of some, and the remouall

Of others out of the towne, they cannot finde out the pticular psons from whom it is due,) was now remitted.

It is ordered that if any man refuse to prise the goods of y^e deceased and inventory the same and attest the said apprizmt^t vpon oath according to order, when by the court or authority in y^e place they are called to it, shall forfeite five shillings for each time they so refuse, the estate so prised makeing them a just allowance for their time and paines therein.

Vpon a petition from William Boarman, and vpon the desire of Francis Bell, one of the deputies for Stamford, on behalfe of Samuells Barret, the court tooke of that restraints w^{ch} lay vpon them forbiding them to goe out of this jurisdiction, and also repealed that part of the order concerning their wearing a halter.

The Court was informed that Millford haue chosen Robert Treat leiuennant for their towne, and desire he may be confirmed by this court, w^{ch} was now done, and he is allowed as the cheife millitary officer there for the present, to order y^e millitary affaires of that towne.

It is ordered that some writings concerning some land in question betwixt Stamford and Norwalke should be recorded in y^e jurisdiction records.

It is ordered that the gouernor shall haue fifty pounds allowed him for this yeare ensuing paid him out of the jurisdiction treasury as formerly.

Vpon makeing vp acc^o wth Mr. Goodyeare, it appeared that Mr. Goodyeare was in the jurisdictions debt aboute thirty five pounds, w^{ch} vpon consideratios w^{ch} satisfyed them the court gaue to him.

Some question being moued whether the gouernors rates should not bee brought in, in the bills of rateing for Newhauen, w^{ch} after some debate was thus issued, that the court generally declared themselues willing at present to forbear it.

[65] AT A GENERALL COURT HELD NEWHAUEN FOR THE
JURISDICTION, THE 9th OF JUNE, 1654.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouvernor.
Mr. Stephen Goodyeare, Dept' Gou'.
Francis Newman, } for Newhauen.
M' Samuell Eaton, }
M' Benjamin Fenn, for Millford.
M' William Leete, for Guilford.

Deputies.

Mr. William Gibbard,
Henry Lindon.
Robert Treate,
Thomas Welch.
Mr. Chittendine,
M' Jordan.
Barnabas Horton,
John Peakin.
M' Crane,
Lawranc Ward.

The Gouvernor acquainted the court that he had the day before received some letters, w^{ch} did occasion this meeting, as one from his Highnes, Oliuer, Lord Protector of England, Scotland and Ireland, informing of shipps and amunitiō sent to assiste the colonies against the Duch, and also a letter from Major Sedgwick and Capt. Leuerit, who are intrusted by the Lord Protector in that service, (both w^{ch} were read to the court,) wherein they desire one or two may be sent from this colony to treat and consult wth them aboute this waighty affaire, and in both the letters is expressed that they desire expedition may be attended; therefore it is now the courts worke to agree how many they will send, and who the psons are. The court readily exprest their willingnes to joyne in this designe, and afford what help they could, to the vtmost of

their abillitie, and chose and appointed Mr. William Leete and M^r Thomas Jordan, to goe to Boston to treat and consult wth them, to whom they gaue co^mission & instructions as followeth.

The Co^mission of Mr. William Leete, Magistrat, and of Mr. Thomas Jordan, one of the Deputies, now sent from the Generall Court for the Jurisdiction of Newhauen, as Agents,

You are wth all convenient speede to trauell to Boston in y^e Massachusts, and there to treat wth Major Sedgwick and Capt. John Leueret, appointed and betrusted by his Highnes, Oliuer, Lord Protector of England, Scotland and Ireland, and wth such others as shall be deputed for the treaty from the other three jurisdictions, or any of them, in a service both for the Co^mon wealth of England, and for these colonies, according to such co^mission and instructions as they haue receiued, and shall pduce and shew from the State of England, wherein though they yet know not how the affaire shall be mannaged, nor what may be required or expected from them, yet they are ready, according to their abillitie and meanes, to afford their best assistance, both in men and p^rvisions. The p^rticu^lars they referr to yo^r consideration and judgment.

In witnes whereof I subscribe, this 9th of June, 1654.

Francis Newman, Secret. and by order of y^e Gen: Court.

Instructions for Mr. William Leete and Mr. Thomas Jordan, sent as Agents for this Jurisdiction to treat, &c., as their Co^mission bearing date with these presents will more fully shew.

The Co^mission^rs for the three other colonies did in September last, vpon their best considerations, declare, that the Massachusts colony in denying to act (as was expresly in the articles) according to the determination of seuen of y^e co^mission^rs, (though they neither charged nor objected any vnrighteousnes in their conclusions,) had actually broken [66] their couenant of confederation, and || though in Nouember last these two colonies answered the letter and queries sent from the Gen. Court of the Massachusts, the haue not to this day receiued any returne; yet vpon a letter and directions receiued from his Highnes, Oliuer, Lord Protector of England,

Scotland & Ireland, they send you as their agents to treat wth Major Sedgwicke, Capt. Jn^o Leuerit, & wth such others as shall be deputed for the said treaty from the other three colonies, or any of them.

1. If vpon sight of the co^mission and instructions from the authority of England, the foure colonies concurr to afford assistance in the seruice ppounded, this colony will readily joyne. If the Massachusetts vpon any consideration refuse or delay, (w^{ch} wee hope they will not,) yet wee shall readily joyne wth the other two colonies, or wth Connecticott, yea this jurisdic^t alone, (if others differr in judgm^t;) would improue the vtmost of their ability to manifest their due submission to the authority of England, and readines in a service wherein all New-England, at least these western colonies, are so much concerned.

2. Considering^r that a litle delay may much increase the difficulty of the worke, if it doe not vtterly ouerthrow it, you will by no meanes admitt any long consultation or dispute, but vse all possible expedition, according to the Lord Protectors order, w^{ch} (through the blessing of God,) may much further the success; and when you haue considered & agreed, what numbers of men, and what quantity of p^{ro}visions of all sorts each colony is to furnish, you will, by some trusty and speedy messenger, giue timely information, that preparations may be here made accordingly.

3. For the shipping sent from England, or vessells belonging to any of these parts, it may fall vnder consideration, whether if part bee sent wthout the Island, & part come wthin, the service against the enemie and y^e securitie of these plantations may not bee best carryed on and provided for.

By order of the Generall Court, the 9th of June, 1654.

¶ Francis Newman, Secret.

And the better to furnish them for this jurny, they borrowed of widdow Wigglesworth five pounds in siluer, w^{ch} the court promised should bee repaide wthin three monethes, in the same kinde or in other paye to her satisfaction, so as neither she nor her children should suffer by it.

It is ordered that all sorts of provision in this jurisdiction be stopped, and none to be sent forth of the same, by lycense or otherwise, vnless it be from one plantation in this jurisdiction to another, and then due care to be taken, by those in authority in that plantation from whence it goes, that it may not be turned another way, w^{ch} is to stand in force till further order be giuen.

An order made by the gen. court in May, 1653, concerning the keeping of twelue horses in y^e fīue plantations vpon the maine in this jurisdiction, for publique service, is now ordered to be forthwth put in execution, and an addition of halfe so many more to be pvided and kept in each plantation. That is to say, six at Newhauen, and three apeece at the other foure townes; and Southold, whose deputies were then absent, but now present, is ordered to keepe two horses constantly in a readines in their towne for publique service, w^{ch} horses, as they are intended for the more quick dispatch of messengers from place to place, and other publique service, so also that they be trayned vp in a millitary way, that they may be fitt to doe service in that kinde also, if there be occasion; and though these horses at some time may, wth leaue from the authority in y^e place, be vsed by the owners for some short jurnies, yet care must be taken that at least halfe of them be left at home readie for the publique service if called to it.

[67] || It is ordered that while these times of danger last, and till further order bee giuen, the millitary company in each plantation in this jurisdiction shall trayne once a weeke, vpon such day as they shall judg most convenient for them, beginning at two aclocke in the afternoone, and so continewng a convenient season in that exercise, for the better fitting men to vse their armes when called to it, and that others may see wee are not secure in these times of trouble; and that also a dilligent view of armes be forthwith made and a constant observation taken, that at no time men may be vnfitted or vnfurnished of what is necessary for their defence, and that euery plantation see that their watches bee duely attended, and the ward on the Lords dayes and other times of publique meetings.

The last Gen: Court a committee was chosen, who in the courts absence might act in publique buisnes in case things did suddenly present, but now that order is repealed, and the authority in euery plantation is to act, in case of necessitie when danger is discouered, so as they shall judg best for the publique safety, makeing things knowne to the gouernor wth all speed, if y^e case require it, that so the generall court (if hee sees cause) may bee called to consider & provide for the good of the whole.

It is ordered that the shoemakers in Newhauen shall be forthwth desired, or if they refuse, pressed, to make three or foure dosson of good plaine strong shooes of the 10: 11 & 12, such as may be fitt for souldiours, if they should be called to goe forth.

The Court considered the occasion the jurisdiction is like to haue for laying out of sundrie charges in these times, and that at present there is not wherew^thall in stocke to paye what is oweing, did see cause to order that a rate of two hundred pounds be levyed from the seuerall plantations in this jurisdiction, in due and equall pportions, w^{ch} (because of the p^rsent occasion) is to be paide in to the treasurer at Newhauen, betwixt this and the 10th of July next, in such paye, and at such prizes, and vnder the same penalty, as was ordered in leuying a two hundred pound rate the 29th of June, 1653. The seuerall pportions are as followeth,

From Newhaven,	80 ^l : 15 ^s : 10 ^d .
From Millford,	41: 16: 00.
From Guilford,	27: 16: 00.
From Stamford,	18: 10: 10.
From Southold,	16: 03: 09.
From Brainford,	14: 17: 07.

Some is = 200: 00: 00.

[68] || Seuerall wrightings recorded concerning lands in question betwixt Stamford & Norwalk, w^{ch} vpon y^e desire of Stamford is ordered to be recorded.

This may certify that Pyamikee, Sagamore, did vpon the 24th of March in y^e yeare 1645, make a deed of gift of all the

land from that w^{ch} is commonly called the pine brooke by the English, and that w^{ch} is called five mile river, or Roawayton, where their planting land doth come very neere vnto the said land, was by a deed of gift made ouer vnto Andrew Ward and Richard Law, w^{ch} they did receive for the towne of Stamford, and at the same time did giue vnto the said Sagamore one coate, in the presence of George Slawson, and after that three more, wth some quantity of tobaco, and y^e said Sagamore did confirme the same by setting his hand to a wrighting then made. The said Sagamore vpon the gift did except against setting houses, because the English hoggs would be ready to spoyle their corne, and that the cattell, in case they came ouer the said five mile riuer, would spoyle their corne; to w^{ch} it was granted that to inhabit wee did not intend, and for our cattell wee intended they should haue a keeper, and in case any hurt was done they should haue satisfaction. That this land as aforesaid was by the said Pyamikee, in the p^rsence of other foure or five Indians, resigned for euer to y^e English, in witnes whereof wee haue set to our hands.

Stamford, 1th moneth 4th, 1652.

Andrew Warde,
Richard Law.

George Slawson in this testimony affirmeth, that vpon consideration of the land given and resigned to the English at Stamford, as is expressed, they gaue a coate to Pyamikee, w^{ch} he received and set his hand to the wrighting to confirme the same in his presence.

George Slawson.

This testimony, wth what is next aboue written, was given in vpon oath by Rich: Law and Geo: Slawson, at Newhauen, the 31th of May, 1654, before me.

Theoph: Eaton.

Stamford, } The testimony of goodman Ambler vpon
May 26th, 1654 } oath, he affirmeth that he being at worke for Mr. Stanton, and Mr. Lords hoggs hauing done hurt in y^e Indians corne, the Indians complained of it. Mr. Stanton sent for the Indian Sagamore to come to speake wth him, and the Indian that is called Pyamikee came, and the same Indian was allwayes owned by the Indians to be the Sagamor of Rounkanheige since wee came to Stamford.

Richard Law.

This witnesseth that it was aboute the yeare 1647, or before, when Mr. Stantons hoggs was at Stamford. Witnes Francis Bell, & Richard Law.

Stamford, } The deposition of William Newman, of
May 27th, 1654, } Stamford,

The said depon^t vpon oath testifyeth, that an Indian profer-
ring of sale of land to goodman Law, as goodman Law reported
to the towne, the towne therevpon sent goodman Slawson and
him to Pyamikee, the Sagamore of the said land, (as an Indian
reported.) When to Piamikee then they came, he sent an
Indian wth us to show vs the land; when wee saw it lying by
Norwalke riuer wee returned home againe and went not to
Piamikee againe aboute the same; the towne hearing from vs
how the land laye would not buy it because it would prejudice
Norwalke.

George Slawson vpon oath testified what is written aboue,
May the 31th, 1654, in y^e presence of Theophilus Eaton.

[69] Stamford, 3 M^o: 27, 1654.

The testimony of Jeremiah Jaggar vpon oath, he saith he
being at M^r. Wards house, there was 4 or 5 Indians wth M^r
Ward and goodman Law, and hee heard an Indian (Piamikee)
say, he would giue a pcell of land to Richard Law and M^r.
Ward, & the land lay betweene pine brooke and fiue mile
brooke, and the Indians that were there did say that Piamikee
was now the sagamore of Ronkenhegue, and that the said
Piamikee said he came wth the consent of all the sagamors
that were betweene vs and Sagatuck, and he did now resigne
vp all the land from pine brooke to fiue mile brooke for ours,
onely the Indians would not haue the English build houses
there, because the cattell and hoggs would spoyle their corne.
The English did grant that they would not, and that the saga-
more did receiue a coate wth some tobaco at the same time,
and the sagamore said he would not sell the land, but giue it,
and desired nothing but to buy a coate a litle cheaper then
ordinary. All the Indians said, that all that they desired was
if wee would be frends to them, for the Indians to y^e westward
came vpon them and tooke away their squaes & chlldren, and
that the Indians intreated the English advice what to doe in
redeeming of their women againe, and that the Indians would
doe nothing wthout the advice of the English.

This testified before me, Richard Law.

Another there is, but some of it was torne of, but so much
as is leigable is as followeth,

damag done in y^e Indians corne wth oxen, as much
as was judged thirty bushells. Francis Bell and Richard
Law make an agreem^t wth the Indians for twelue bushell &
a halfe of Indian corne, and two bushell & halfe of pease,

wee deliuered the corne, and the pease were all satisfied, witnes my hand, the marke of the sachem Piamikee, now called Resolute.

Resolute, his)
 (marke.

That the satisfaction w^hin expressed was giuen to Piamikee for damage in corne and by him receiued as was formerly agreed, was vpon oath testified by Richard Law and Francis Bell, the 31th of May, 1654, and that the marke w^hin was made by Piamikee at the same time, was testified vpon oath by Richard Law.

Before me, Theophilus Eaton.

[70] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE JURISDICTION, THE 23th OF JUNE, 1654.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r. Gouvernor.

Mr. Step^t

Francis Newman, }
Mr. Samuel Eaton, } for Newhauen.

M^r Benja: Fenn, for Milford.

Deputies.

Mr. Gibbard, }
Henry Lindon, } New Haven.

Robert Treate, }
Thomas Welch, } Milford.

Mr. Chittendine, Guilford.

M^r Crane, }
Law: Ward. } Brandford.

The Gouverno^r acquainted the court w^h some letters he had receivd from M^r. Leete, from Boston, informing that the designe against y^e Duch is like to goe on,* and that they haue

* Major Robert Sedgwick and Capt. John Leverett, commissioners from Cromwell to the four colonies, for the purpose of uniting them in hostile demonstrations against the "Dutch on Hudsons River and at the Manhatoes," met the commissioners from the colonies of Connecticut and New Haven, at Charles Town, June seventeenth, 1654.

agreed vpon numbers of men, w^{ch} is at least 800, (if more come in, it will be acceptable,) w^{ch} is 300 volunteers from y^e Massachusets, 200 from y^e shippes, 200 from Connecticote and 133 from this colony, w^{ch} the court must now agree to raise in equall pportions; which was done as folt,—from Newhauen 50, from Milford 21, from Guilford 17, from Stamford 20, from Southold 14, from Brandford,* Newhaven and Millford hauing one or two less in pportion then the rest, because of seamen that are to goe from thence, w^{ch} if not pvided for will put them aboute their proportion. Of w^{ch} 133, these officers were chosen, Leiuennant Seely, capitaine; Leiuennant Nash, leiuennant; Richard Baldwin, of Milford, ensigne; Serjant Munson, Serjant Whithead, Serja: Tibballs of Milford, & Serja: Bartlet of Guilford, serjants; Robert Basset cheife drumer, & Anthony Elcot to be vnder him; M^r. Augar & Jn^o Brocket surgions; and M^r. Peircon is chosen and appointed to goe along wth this company as their minister, for their encouragm^t, spirituall instruction and comfort; and the cor-

Massachusetts and Plymouth had likewise been notified, but the former had only granted leave to raise within their jurisdiction to the number of 500 volunteers, provided the persons were free from legal engagements. Plymouth had sent two agents who signified her willingness to fall in with the design, but not having been duly empowered to enter into a special treaty they had returned home for the requisite instructions and authority.

Under these circumstances, the two commissioners for Cromwell, Major John Mason and Capt. John Cullick for Connecticut, with Mr. Leete and Mr. Jordan for New Haven, "considering the necessity of expedition in that undertaking, did agree to sit as a council and proceeded to treaty." They found on enquiry that not more than 300 men could be relied on from Mass., and considering that as yet it was uncertain how many Plymouth would supply, the commissioners for Connecticut and New Haven agreed with the rest to undertake the work with such force by sea and land as were in view, if no more could be procured; hoping that (although the number should not rise to such a full or competent fitness for such an expedition as were to be desired, yet) we may rest upon the Lord for the blessing of success, when as he now calls to the work and doth deny further means of help.

On the 20th of June, the commissioners who were still in session, at Boston, received intelligence that a competent force was in readiness, and on the same day was brought to them a printed proclamation announcing that peace had been concluded between England and the United Provinces on the 5th of April. On this the commissioners agreed and declared, that as they began and have proceeded in compliance with their native country and in obedience to his highness' letters and commendation, so in like observance and compliance with the same authority they desist.

Thurloe, St. P. ii. 419. Rec. of Mass. and Conn.

* The number of men to be furnished by Branford, eleven, to make up the 133, appears to have been inadvertently omitted on the record.

poralls are Corporall Boykine, John Coop^r, Henry Botsford of Millford, and Thomas Steuens of Guilford, but this last is onely for this present service, and that he pceede no higher in any other office, because he is not a free-man, and that the cheife millitary officer be acquainted wth it. ✓

The Court considering the great weight of this buisnes, and that all good success depends vpon Gods blessing, did therefore order, that the 4th day of the next weeke shall be set apart by all the plantations in this jurisdiction, to seeke God in an extraordinary way, in fasting & praire for a blessing vpon the enterprise abroad, and for the safety of the plantations at home.

The Court considered of what proviissions were necessary to send forth wth these men for a moneth, and agreed vpon 6 tunn of beare, 6 thousand of biskit, 9 bar: of porke, 6 bar: of beefe, 4 hogsheads of pease, 3 hogsheads of flower, 6 firkins of butter, 5 hundered of cheese, 3 ancors of liquors; trayes, dishes or kans, pailles, kettles, and that euery man haue a good fire lock muskit, wth other armes suitable, a knapsacke wth 1^l of po^r and 24 muskit bullits or 4^l of pistoll shott; & for a stock beside, in the whole two bar: of powder, 3 hunderd weight of muskit bullits & 1 C. of pistoll shott, wth twenty spads & shouells, ten axes and ten mattockes, from each towne a pportion, onely for the present the court agreed to send but 3 tun of beare, 3 thousand of *of* biskit, 5 bar: porke, 3 bar: beefe, 2 hogsh. pease & 2 of flower, 3 fir. of butter, 3 C. of cheese, 1 ancor or two of liquors, and the full pportion of amunition as before.

[71] || It is ordered that the charges of souldiors, horse or foote, whereeuer provided for, it shall be at y^e jurisdiction charge in equall pportions.

It is ordered that the magistrats and deputies at Newhauen shall bee a co^mittee to order matters w^{ch} concerne this designe, but cannot now bee foreseene, as occasions present, and what the doe is to stand good as if the court did it.

It is ordered, that Johnsons lyghter shall be pressed to attend the service, for transporting of men or proviissions as there is occasions.

It is ordered, that all vessells w^{ch} come into any harbour in this jurisdic^t., w^{ch} may be fitt to attend this service, shall be made stay of for y^e same, on behalfe of y^e Co^mon wealth of England, till further order.

It is ordered, that as soone as the army is past, watching and warding shall begine in an extraordinary way, as may suit wth euery townes conveniency and safety, and then all Indians are to be restrained from comeing into any of our plantations wthout leaue.

AT A GENERALL COURT HELD AT NEWHAUEN FOR THE JURIS-
DICTION JULY 5th, 1654.

PRESENT,

Magistrats.

Theophilus Eaton, Esq^r, Gouverno^r.

Mr. Stephen Goodyear, Deput Gou^r.

Francis Newman }
M^r Samuell Eaton, } Newhauen.

Mr. Benja: Fenn, — Milford.

Mr. William Leete, — Guilford.

Deputies.

Mr. William Gibbard, Newhauen.

Henry Lindon,

Robert Treate, }
Thomas Welch, } Milford.

Leiutent Chittendine, }
Mr. Tho: Jordan, } Guilford.

Rich: Law, }
Francis Bell, } Stamford.

Mr. Crane, }
Law: Ward, } Branford.

The Gouverno^r informed the court that there were wth him this day since dinner, two men, sent as messengers from the Dutch gouverno^r, to inquire of the truth of y^e peace w^{ch} they

heare (by report) is concluded betwixt England and Holland, who desired that two or three lines might be sent to certify the same, w^h the court desired y^e gouernor to doe, and ordered that a copie of y^e proclamation should be sent also; both w^h were presently done, and the messengers dismissed..

The Gouernor read to y^e court a letter he hath lately receiued from the Massachusetts generall court, in answer to y^e letter sent from this cōurt in Nouember last, and an answer to the same was read also, approved and ordered to be sent to Connecticote, that they may subscribe if they thinke meete, and so sent by a messeng^r on purpose to Plymouth, that they may subscribe also if they approve thereof, but if they approve not, or cannot giue answer quickly, they are to be desired to seale it, and dissmis the messenger to goe to the Massachusetts and cary it to y^e gouernor there, and desire the answer of their generall court or councill; but if it cannot be obtayned w^hout much delay, then to returne w^h such answer as they can gitt. And if vpon the pysuall of this letter, Connecticote generall court agree not, but refuse or alter from it, then it is left to the magistrats & the two deputies at Newhaven to consider what answer to send. W^h letter and answer are entred in the close of this court.

[72] || It was propounded to know whether this court will chuse commission^rs to meete at Hartford at y^e time appointed, seeing they heare that two of the other colonies haue chosen & intend to send.

The Court, haueing found such ill fruit from y^e Massachusetts of y^e two former meetings, are discouraged to send, yet that they might shew themselues followers of peace, and that they earnestly desire to continew their confederation vpon the termes it first began and for sundrie yeares hath bine caried on, did agree and chose the gouerno^r and Francis Newman cōmission^rs for y^e yeare ensuing, and pticularly for y^e next meeting at Hartford, if it hold; and M^r. Leete and M^r. Good-year are chosen to supply, if y^e providence of God order it so that one or both of y^e other should be hindered; but w^h this direction from y^e court, that if the minde of y^e Massachusetts remaine as they haue formerly declared, w^h hath made y^e

other three colonies looke vpon y^e confederation as broaken by the Massachusets, they conceive their can be no fruit of their meeting but onely to consider y^e 11th Article, and require such satisfaction from the delinquent colonie as they shall judg meete; but not being willing to tye their hands, not knowing what may fall out, they leaue it to the discretion of their comission's to act as they shall see cause in any further buisnes concerning y^e confederation.*

The Court desired the gouernor to wright an answer to y^e Lord Protectors letter, in the name of this court, and send to him, as also a letter to the corporation, in answer to theirs now sent to this court, in w^{ch} answer they desire their willingness to hold the confederation may be exp^{re}s^sed, and the close thereof to be to such purpose as in y^e close of the letter now ordered to be sent to y^e Massachusets, yet refferring to a more full answer to be sent afterwards, when it is seene what the comission's doe at their next meeting, if y^e case require it.

The Court considering the peace now concluded betwixt England and Holland, and that all acts of hostillitie are to cease betwixt those two nations, and so vpon that ground the intended warr wth the Dutch here ceaseth also, did order that all those lawes and orders w^{ch} haue bine made aboute stopping provisions, prohibbitting trade wth the Dutch, aboute keeping horses in each towne for publique service, traynings vpon this occasion, or other orders w^{ch} depend vpon the said warr, shall be now repealed.

A letter was now by order of this court sent to the Sweeds at Delaware Bay, informing them of the proprietie w^{ch} some in this colony haue to large tracts of land on both sides of Delaware Bay & River, and desiring a neighbourly correspondency wth them, both in tradeing and planting there, and an answer hereof, &c.

The letter from y^e Massachusets Gen: Court.

Honored Gent. Wee receiued yo^r answer to our faire and equitable pposition of a conference, judged by vs a meete expedient to begett a right vnderstanding of those things w^{ch} haue bine in debate betweene vs, but instead of a concurrence wth vs therein, w^{ch} wee expected would haue bine

readily attended, wee finde little but complaints against vs and a continewed insisting vpon yo^r first assertions, concerning w^h wee doe purposely decline debate by wrighting, haueing wearied ourselues by that course w^h the co^mmission^rs [73] || at their last meeting, and though it be greiuous to vs that a difference of this nature should remaine vndecided, yet haueing vsed our vtmost indeauours, wee doubt not but to finde rest in the injoyment of our owne apprehensions, and to free ourselues from the vnjust imputation of the breach of covenant, sufficiently intimated and charged, especially in our counsellis denying to raise forces agst Ninnigret, according to y^e vote of y^e co^mmission^rs, w^hout alleading any thing in y^e co^mmission^rs determinations to be vnjust.

To w^h wee answer,

1. The counsell judged it not necessary to prepossess y^e seuerall colonies, our confederats, w^h the reasons of that act, but to leaue them free to their owne reason, w^h they had no cause to imagine to be dissonant from that act till they manifest the same.

2. Though the colonies haue declared their dissatisfaction to y^e act of the counsell, yet let vs say, they haue bine as silent in asserting the justice of y^e co^mmission^rs determination as y^e act of y^e counsell y^e contrary.

3. The colonies ground their offence vpon our counsellis not acting as the co^mmission^rs determinēd. The counsell dares not act, because vpon pvsall and serious consideration of all y^e motives presented by the co^mmission^rs, the saw not ground of warr.

4. You may please to conceiue that the omission of y^e reasons (in y^e vote of y^e counsell) to render y^e co^mmission^rs determinations vnjust in their denying to raise forces against Ninnigret, might candidly bee interpreted a civillity to y^e co^mmission^rs in refference to their honour, so farr as might consist w^h our peace, and truly, Gent^m, it would be no offence to vs to meete w^h y^e like returnes.

The ground of y^e warr is declared to be Ninnigrets invasion and slaughter of some Indians of Long Island, whom y^e English are no wayes engaged to protect, according to y^e judgmt of the commission^rs *anno* 1644. The English being therefore free, there was no necessitie of makeing warr, and where there is no necessitie there is as little justice. The foundation of the co^mmission^rs determination for a warr thus fayling, wee conceive the other alligations in the declaration of the co^mmission^rs will be invalid to beare vp the justice of their conclusions. Wee are not wanting in ourselues (and wee doubt not to the satisfaction of all indifferent psons) of answers to y^e

forementioned alligations, but wee omitt them purposely, to avoyde plixitie. Wee profess ourselues passionately desierous of the continewance of our confederacie wth you, according to y^e genuine interpretation of the Articles and the true nature of the confederation, and that its a matter of no small greife to our spirits, (whateuer hath bine charged vpon vs to y^e contrary,) that wee cannot attayne a right vnderstanding betwixt vs, the w^{ch}, yet notwthstanding, wee shall still waite in expectation for, and in the meane time haue thought meete to giue you notice that our freemen haue chosen their comission^s, whom wee resolute to impower as formerly, and shall (if the Lord will) attend that worke at time and place wth the com-[74] mission^s of yo^rs and the rest of y^e colonies, || desiring to wayte and rest vpon God for a happy and desired close, to whose gracious guidance wee comitt you, ourselues and affaires, resolving yet to continew yo^r affectionate bretheren, frends and confederats.

The Generall Court of y^e Massachusets.

Boston, 13th June, 1654.

Edward Rawson, *Secret*.

The answer to the foregoing letter.

Much Honoured Gentlemen, Yo^rs of the 13th of June, 1654, as a reply to our answer dated Nouem^r the first, 1653, wee received June 27th, w^{ch} answer of ours might haue seemed harsh and impertinent had it bine onely giuen to a faire and equitable proposition, but if you please to remember-how vncomfortably these colonies and their comission^s were this last yeare exercised by yo^r streyned interpretation of the Articles of Confederation, seconded and confirmed by yo^r counsell^s refusing to act according to y^e agreem^t and vote of seven of y^e comission^s, wee conceive you might well expect complaints; especially if you keepe in minde that yo^rselues prepared, and at Plymouth *anno* 1648, presented it to y^e comission^s as the intent or genuine sense of the said articles, that if any jurisdiction or colonie doe not submitt and pforme, &c. after due admonition, then to be responsall to y^e rest of y^e colonies for breach of league or covenant; so that according to yo^r owne interpretation then giuen, (wth w^{ch} all the eight comission^s fully agreed,) this refusall is a cleere breach of couenant, and so falls vnder the 11th Article, to be considered and ordered

by the comission's of the other three jurisdictions; but it rather exceeds the scope and compass of that article, w^h speakes of y^e breach of any of y^e articles, whereas yo^r counsell's refusall, compared w^h the foregoing interpretation, seemes to be a premeditated & resolved breach of the whole confederation, no article standing in any force, if any one of y^e gen: courts, or their counsell, may giue such interpretations and make such refusalls; and certainly any one of the other gen: courts may vpon better grounds (according to right) expect satisfaction from the Massachusets, for such a breach, then the Massachusets from Plymouth and Newhauen, for the absence or late comeing of their comission's to the meeting at Plymouth 1652, being hindered by such ouerruling providences, as may more fully appeare by compareing three wrightings, yo^r order, dated October 19th, 1652, Newhavens declaration or proposition, made the 29th of March, 1653, and yo^r conclusion or resolution, May the 19th, 1653.

But more pticularly, as the other colonies haue declared their dissatisfaction w^h yo^r counsell's refusall, so they haue sufficiently asserted the justice of the comission's determination, (against w^h they heard no objection,) in affirming that vpon grounds in themselves satisfying, seuen of the comission's [75] voted, &c. If all the eight || comissioners should determine a warr, in it selfe as just as that Israel vndertooke against Jabin, king of Canaan, yet some one gen: court, vpon some apprehension or respect, (as Reuben, &c.,) may not p^fess to see light, but object and dispute against it. Wee desire to be excused if wee apprehend it not as a civility, nor be taken w^h such a pretence, that in refference to the honor of the comission's any grounds to prove y^e warr vnjust were then concealed. Israells forementioned warr might (as against Jabin) haue bine just in some former pt of those twenty yeares wherein they had bine so oppressed by him, though it seemes they thought it not necessary, but chose still to suffer rather then to seeke just liberty w^h further hazard. Notwithstanding what passed at Hartford, anno 1644, diuers (who professed to know and remember what agreem's were made w^h the Long Island Indians) did confidently affirme the English had

covenanted to protect them, and the receiving and payeing tributt may rationally imply some just defence in such a case. Joshua & y^e princes made peace and a league wth y^e Gibeonites to let them liue, wee read of no covenant to protect them against the other kings of Canaan, yet the honour and safety of Israell being concerned in it, they were (wth incouragm^t from God) defended against Adoni-zedecks rage, springing from their compliyanse wth Israell; w^{ch} suits the case in hand, the cause or rise of Ninnigrets quarell against the Long Island Indians being their faithfullnes to and dependance one y^e English, as by the determination in question more fully appeares, but any expresse couenant or ingagement to protect them was not laide as any stone in the foundation for the warr. So that for ought yet appeares, wee may safely p^rsent and submitt the comission's determination and grounds, as they stand vpon record, to the impartiall & judicious examination of our superiours in England. The foure gen: courts cannot wth conveniency meete but by their representatives or comittees, and how farr they haue pceeded in those wayes to setle a right vnderstanding of the Articles you well know. The comission's were troubled, & witnessed against yo^r interpretation, in June, 1653, the two gen: courts for Connecticote and Newhauen did seuerally soone after, by an answer therevnto, indeauo^r to vindicate the Articles from so strange a construction, and in July they sent two of their magistrats and two of their deputies to labour y^e recalling that interpretation, and setling the (then shakeing) confederation. Lastly, vpon an earnest and vnfeigned desire to prevent foreseene dangers and inconveniences, the comission's (though vnder some discouragm^t) mett againe in Septembr, and spent diuers dayes in agitations by wrighting wth yo^rselues, but wthout any reall fruit; so that, while things stood thus, to send either comission's or comittee could (at best) but prove lost labour.

Yet, might the combination, both in interpretation and execution, be againe firmly settled, according to the first intention and as it stood for tenn yeares together, these colonies (forgetting what is past, and wthout requiring other satisfaction) could humbly renew their couenant, freely close wth

you, and cheerefully send to meete yo^r co^mission^rs, in due manner, time and place, w^h wee purpose to doe, hoping yo^r co^mission^rs will bring w^h them a cleare and satisfying cirtifycate of yo^r reality to continew the confederation, according to y^e true and gramatticall sense of y^e articles, whereof wee desire to heare by the first; w^h, as we conceive, will tend much to y^e hono^r of God, the stopping the mouthes of enemies, the gladding the hearts of our frends, and to the peace and comfort of y^e colonies. To the guidance and grace of the wise and faithfull God wee co^mend you, resting

Yo^r affectionate Bretheren & Frends, the Gen^ll
Court for Newhauen Colonie,

Francis Newman, *Secretarie*.

Directed, To y^e Gouverno^r of the Massachusts,

To be co^municated to y^e Gen: Court & Counsell there.

It was sent to Connecticote to be subscribed and dated by them and sent away y^e Bay by Plymouth, or otherwise as they shall thinke fitt, but subscribed at Newhauen, July 15th, 1654.

[76] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 23th OF AUGUST, 1654.

PRESENT,

Magistrats.

Deputies.

Theophilus Eaton, Esq ^r ,	Gouverno ^r .	Mr. Gibbard,
Francis Newman,		Henry Lindon.
Mr. Samuell Eaton,	} Magistrats.	Robert Treate,
Mr. William Leete,		Thomas Welch.
Mr. Benjamin Fenn,		Mr. William Chittendine,
		Mr. Thomas Jordan.
		Mr. Crane,
		Lawrance Ward.

The Gouverno^r informed the court that the occasion of calling them together at this time is some intelligence he hath had, first by some Indians, but more certainly by the magistrats of Connecticot, Mr. Wells and Mr. Clarke, that Ninnigret hath

hired some other Indians, as Mohaukes or Wampeages, to assist him in cutting of y^e Long Island Indians, or at least those that wee count our best frends, and that haueing done that, they intend, as it is thought, to cut of Vncas; and that they thinke it of such weight as they intend to send Major Masson, wth some few men and some powder and lead, for their better defence, and desire that this colonie would joyne and send Leiutennant Seely wth some men and powder and lead also, for they thinke it not safe to sitt still and suffer those Indians w^{ch} are the English frends (as some of the Long Island Indians haue showed themselues to be) to be cutt of.

The Court considered of what was propounded, and looke vpon it as a matter of great weight, and that there are hazards on both sides, for they are not willing to intangle themselues in the Indians quarrells, not vnderstanding the grounds thereof, yet would they doe something, if it might be, to secure them Indians w^{ch} are our frends from their enemies, and after much debate, concluded and by vote declared, that they would send Leiutennant Seely wth his boate to Long Island, to the Montaucot Indians, wth twelue pound of powder and aboute thirty pound of lead, (w^{ch} come to aboue fifty shillings, y^e payement to bee considered hereafter,) and wth him another from hence, and order to take vp foure more at Southold, and so to declare to them Indians, that while they and the rest there cary it faithfully to y^e English, they are frends to them, and that they haue sent them this powder, &c., not to offend or hurt Ninigret, or any other Indians, but to defend themselues, if they be invaded; and that Leiutennant Seely treat wth them Indians and Ninigret or other invaders, if they come while he is there, and pswade to peace, and to bring their matters before the co^mmission^rs at Hartford, at their next meeting aboute a fortnight hence; but other wayes for their safety they leaue to their owne consideration; and that he call at the Riuers mouth to see if Major Masson will goe or send men or amunition wth him in pportion to ours, to the same purpose, according to w^{ch} Leiutennant Seely was to haue instructions giuen him by order of this court.

[77] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 3^d OF OCTOBER, 1654.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouverno^r.
Mr. Stephen Goodyeare, Dept. Gou^r.
Mr. Samuell Eaton, } for Newhauen.
Francis Newman, }
Mr. Benjamin Fenn, for Milford.
Mr. William Leete, for Guilford.

Deputies.

Mr. William Gibbard, } Newhauen.
Henry Lindon, }
Robert Treate, } Millford
Thom: Welch, }
Mr. Chittendine, } Guilford.
Mr. Jordan, }
Richard Law, } Stamford.
Francis Bell, }
Mr. Crane, } Brandford.
Lawranc Ward, }

Stamford deputies were acquainted that the barrell of porke that they sent from Stamford, to helpe to paye for the amunition, wanted, in porke and other charges to make it pass, six shillings and six pence, w^{ch} they must allow to the jurisdiction.

The conclusions of the co^mission^rs at their last meeting at Hartford were read to the court and approved, wherein it app^red that thirty one men were to be raised in this colony, to joyne wth the other colonies vpon a designe against Ninigret, whereof sixteene were to be forthwth sent from hence, to meete wth some from the Bay and Connecticote, at Thomas Stantons, the 13th instant, for the takeing away the Pequotts from Ninigret & attend other service, according to the co^mission and instructions giuen by the co^mission^rs, w^{ch} the court now

agreed to raise, which, wth two seamen to cary them and their provision by water, makes eighteene men, whereof 8 are to be sent from Newhauen, 3 from Millford, 3 from Stamford, 2 from Gilford, and 2 from Brandford. They also agreed of p^{vi}issions to be sent for a moneth as followeth, 6 barrells of beare, 5 C. of bread, one barell of beefe, i bar: of porke, 100^l of cheese, i baryl of pease, and 3 gallons of strong water, wth euery man 2^{li} of powder, & shot answerable for a stocke; beside 1^l of po^r & shott answerable, wth every man is to cary wth him; wth some coats, euery man his knapsacke and muskit, and other fitt armes for the service, 6 trayes, 6 dishes, and one kettell; and for the cheife officer for this colony in this service, the court chose Leiutennant Seely, and Serjant Jeffery for serjant; and the other fiteene men are to be forth-wth pressed, that they may be in readiness to attend further service if they be called to it.

It is ordered that vpon the 12th day of this moneth, being the fift day of the weeke, shall be a day of humiliation, to seeke God for a blessing vpon this enterprise in hand.

The Gouvernor was desired to write a letter to M^r. Winthrop, in y^e name of this court, to invite him to come and liue at Newhauen if he doe remoue from Pequott, at least for this winter season.

[78] || Phillip Carwithy and Caleb Carwithy were complained of for traueling from Milford to Newhauen last Saboth day in the afternoone. Phillip appeared, but Caleb being sicke could not, he answered that it was to pursue Charles Taynter, for a debt of considerable valew, who fled from them from Fairfeild while they were treating aboute it, and they heard he was presently to goe to Virgenia, and so they were in feare wholly to lose it, and that they indeauoured to get a horse at Milford to come the afternoone before but could not, and they being weary wth traueling were not able to come on foote. Hee was told there was no such hast but they might haue staide till the next day, for here was no vessell so suddenly to goe to Virgenia, and such things as these must not be borne wth, but because it is the first time, and that they apprehended some danger of losing the whole, the court is content that it shall

pass wth an acknowledgm^t of their miscariage in y^e publique assembly after exercise, both here and at Millford, p^{ro}vided that this bee no president to them or others who shall be found in the like miscariage hereafter.

AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 18th OF OCTOBER, 1654.

PRESENT.

Theophilus Eaton, Esq^r, Gouverno^r.

Mr. Stephen Goodyeer, Dept. Gou^r.

Mr. Samuell Eaton,

Francis Newman,

Mr. Benjamin Fenn,

Mr. William Leete,

} *Magistrats.*

Goodman Higby of Stratford informed the court that he bought a boate of the wife of Jonas Wood of Southampton and had it in possession, and coming to Southhold he mett wth Jonas Wood who attached the boate, and by order from the constable there had it deliuered to him, Jonas Wood being bound to prosecute his attachment at this court, for w^{ch} cause goodman Higby now appeared, but Jonas Wood appeared not, nor any for him.

But to proue he bought the boate, he presented a bill of sale dated July the 28th, 1654, also a testimony of Henry Easton vpon oath before goodman Grove of Stratford, to proue that Woods wife had formerly told her husband that she would sell the boate and he contradicted it not, and that she had sould a paire of oxen in his absence, wth other goods, & received paye, &c.

Richard Mills of Stamford, now in court, testified vpon oath, that he had bought of the wife of Jonas Wood, (called Hallifax Jonas,) seuerall goods in her husbands absence, w^{ch} her husband hath allowed of and received pay of him for them, also he hath bought goods of the said Jonas, and in his absence, vpon her demand, hee hath paide her for them, w^{ch} he hath allowed also.

But Jonas Wood not being here, there was no further proceeding at present.

[79] || Mr. Linge, attorny for Capt. Silvester, appeared to answer Mr. Leueridg in an action entered against him at the court of magistrats in May last, but Mr. Leueridg appeared not, nor any for him, wherefore the court declared the ingagement wherein Capt. Silvester stands bound, to be voyde.

Thomas Stapley of Fairfeild informed the court that at the court of magistrats in May last, he entered an action against Mr. Ludlow for slandering his wife, w^h consisted of three pticulars, two of which were then issued, but vpon the motion of Ensign Bryan, then and now attorny for M^r. Ludlow, the third branch was respitted to this court, that prooffe might be prepared. The plaintiff therefore desired the court now to pceede and issue the third part, viz^t, M^r. Ludlow his charge at seuerall times that Thomas Stapleys wife had gon on in a tract of lying. That he so charged her was formerly proued by three testimonies vpon oath, w^h were now read, and Ensigne Bryan demanded whether hee could proue against her such a tract of lying, he answered he had nothing to say in the case at present. Wherevpon the court considering the nature of the charge, her relation to the church at Fairfeild, and the censure such a tract proved might haue brought vpon her, by way of sentence ordered, that M^r. Ludlow paye to Thomas Stapley, towards y^e repairing his wiues name so defamed, w^h trouble and charge in prosecuting, the some of tenn pounds.

Martha, now the wife of John Richardson of Stamford, was charged w^h fornication, proued by her being w^h child some monethes before marriage, and that to avoyde or stopp reproach, her husband had carried her to Roxbery in the Massachusets, where she was deliuered of a child in January last, at the house of M^r. Joshua Hughes, w^h child liued aboute or aboue a moneth and then dyed, but how and in what manner, the court thought worth inquirie. Sundrie wrightings were also presented to the court from Stamford, as the examination of John Richardson and his wife; hee confest his wife was w^h child before marriage, that he knew it, but

denyed himselfe to be the father of y^e child, that he caried her from Stamford to Roxbery before childbearing, to avoyde the shame; being demanded of y^e court at what time hee did marry Martha his wife now in question, he answered, aboute y^e latter end of wheat harvest, and she had a child in January following. Martha confest her being wth child before marriage, but boldly affirmed she neither did nor doth know who was the father of it, she being taken wth a fitt of swooning in her masters house at Stamford, was caried to bed in another roome, but knowes not by whom, when she came to herselfe she saw Joseph Garnesy in the roome, and conceives she had bine abused in her fainting fitt, but knowes not by whom, onely Joseph Garnesy and John Ross were in the house that evening. The examinations and testimonies of John Ross, goodwife Knapp, goodwife Stocke, goodwife Buxton, goodwife Webb and goodwife Emry, were read, and y^e information of Joseph Mead her brother was heard, by all w^{ch} it appeares she had bine subject to some fainting & swooning fitts, mixed wth [80] some short distempers of frensy, || but wthall that she had, impudently and against her full knowledg, denyed her being or haueing bine wth child, after she had bine deliuered of a child at Roxbery.

So that vpon consideration of y^e case as presented & confessed, the court could not but judg her guilty, both of knowne fornication and continewed impudent lying, beleeuing that no woman can be gotten wth child wthout some knowledg, consent and delight in the acting thereof, and that she deserves to be publiquely and severly corrected by whipping, but considering she is now great wth child, and according to testimony apt to fall into the forementioned fitts, wth due respect to her condition they ordered, that tenn pounds be paid as a fine to the jurisdiction w^{thin} a yeares time for her hainous miscariages; for the due payement whereof John Richardson her husband, and her brother Joseph Mead, did before the court as sureties ingage, and entered into a recognizance of fifty pounds for y^e same, and vnder the same penalty promised and bound themselves that, betwixt this and the court of magistrats in May next, they would bring a satisfying cirtifycate from Roxbery

concerning y^e death of y^e child, both w^{ch} being duely pformed their ingagm^t and recognizance are voyd & discharged, but till then stand in force, and in y^e meane time if she duely acknowledg her sinn and truely declare who is y^e father of the child the court will consider of some further mittigation.

AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 26th OF JANUARY, 1654.

PRESENT,

Theophilus Eaton, Esq^r, Gouvern^r.
Mr. Stephen Goodyeere, Dept. Gou^r.
Mr. Samuell Eaton,
Francis Newman,
Mr. Benja: Fenn,
Mr. William Leete.

Lawranc Corneliusson, a Duchman, was called before the court and told that he is charged wth seuerall great mis-
cariages in affronting the authority set vp by this jurisdiction at Milford, in a verrey high degree and contemptuouss manner, for when another Duchman who had bine scandalously, and for himselfe dangerously, drunke, and y^e complainte of it brought to y^e magistrate who sent the marshall for him, he, the [81] said Lawranc, answered he || should not come then, but when he listed, wherevpon the marshall returned, but quickly after the man that was drunke came on shore, and the marshall seized him and was carying of him before the magistrate, and the said Lawrance followed, crying aloude after the marshall, Stay you rouge, Stay you rouge, and in the magistrats house caried it wth high contempt before all present, puting his hand to his mouth and pulling it backe in a scornfull manner, as if he would say, doe yo^r worst, I care not for you, and when the man should haue answered for himselfe, he interposed, would not suffer him to speake, but bid the deuill take him if he spake a word, and after put him out of the dore and bid him be gone, and that none might follow him he shut the dore and stood against it, and did vtter seuerall oathes

wth cursing before the magistrate; then the magistrate told him he must now stay and answer, both for the offender whom he had so rescued, and for his owne miscariages; he then went away, and being sent for in, would not come, but said he would bee hanged and drawne first, and he would as soone come before the deuill as before the magistrate, and the marshall being comanded to fetch him in, and if he refused to force him, he refused to submitt, and tooke his knife in his hand and held it vp and said, touch him who durst, and offering to take a sticke to make resistance, one struck him and broke his head; so they brought him back to y^e magistrate, who repeating his miscariages to him, he told y^e magistrat he lyed, though the marshall then present testified the truth of what the magistrat said to his face; then he demanded to see the law against drunkenness and swearing, w^h being read, hee said, This is the law of man, but not of God, and when the magistrate comanded the marshall to take charge of him, he would not submitt but said, kill him, hange him, he would not goe wth him; and when the next day the court at Milford (hearing of these miscariages) sent for him, he contemptuously refused to come but said, kill him, hang him, drawe him wth horses, he would not come, wherefore they referred it to y^e court of magistrats, w^h thing he also desired; and when he was gone from the magistrate he asked those that were aboute him, whether they knew the story of Samsons revenge vpon the Phillistines, how he tyed fire-brands betwixt the tayles of foxes and burnt their corne, and bad them remember it, as if he thought the English were Phillistines and he purposed a revenge; and in further discourse biding them kill, hang him, &c., he added he would rather be cast into the sea then buried at Milford, his bones should not be in Milford, repeating the story of Joseph, who would haue his bones caryed out of Egipt, as if Milford were as Egipt to him; and to defend the Duchmans drunkenness, he professed himselfe to be a drunkard, and asked the English aboute him if they were not so, Haue not you, and you, bine drunke, adding that at the Mannadoes they were not punisht for drunkenness, but vsed after they had bine drunke to say, God forgiue vs, or be

mercyfull to vs, and that was enough; he asked also what witnesses they had against him, and when he was told they had many, he answered, Many false witnesses came in against Christ.

His miscariages being thus charged, he was told he had libertie to answer for himselfe, and if he objected against the truth of any of the pticulers, prooffe was ready. The testimony of Samuell Hopkins vpon oath was brought in writting and read to him, and other witnesses were come in pson from Milford to testifye his seuerall miscariages vpon oath before him, but if he confest it, oathes may be spared. He said he submitts to y^e charge, for he was in such a passion as he remembers not what he did or spake, and is ashamed of it, and Mr. Allerton (whom he desired might be p^rsent to speake for him) said he did beleewe they were all true, for he had bine at Milford and heard the thing confirmed, but thinks the man was in such a passion as he knowes not what he did.

The said Lawrance was asked if he had any occasion given [82] him that || might cause him to cary it thus, he said no, but God left him & he is ashamed of it.

After w^{ch} the court considering how he had contemned and trampled vpon authority, disturbed the peace of the jurisdiction, (beside his slighting or censuring the English,) that vpon his earnest suite the magistrats were now called from seuerall plantations at an vnusuall and inconvenient time to keepe this court, that the marshall at Milford hath bine put vpon much attendance and vpon two jurnyes from Milford heither, wth other testimony, because he had here, (beside what passed at Milford,) more then once pemptorily denyed some of his charges, and that the marshall at Newhauen, beside other attendance, had bine charged wth his diet, lodging, &c., did by way of sentence order, that Lawrance Corneliussøn paye as a fine to the jurisdiction forty pounds, and that he make a due and publique acknowledgm^t of his miscariages, at Milford where they were comitted, owneing his sinn and shame for it, w^{ch} if not pformed to satisfaction there, he is to be sent backe to Newhauen and the court will further consider of it.

The 30th of January, a petition was p^rsent from Lawrance

Corneliusson, (while the generall court was sitting,) wherein hee ownes his fayling in seuerall pticulers, wth a desire that both God and man would pass it by, acknowledgeth the fauour of the court, and desires a continewation of y^e same, mentions much loss he hath received vpon his vessell and in his goods, beside the charge of his family w^{ch} is greate, by w^{ch} meanes he is at p^rsent disabled to make payem^t of the fine of forty pounds imposed vpon him, and therefore desires the court to order a mittigation as they shall see meete; vpon consideration whereof, the court saw cause to order, that ten pounds shall be abated and but thirty pounds remaine, w^{ch} vpon Mr. Allertons request was agreed to be forborne three monethes, the said Mr. Isack Allerton senior ingageing before the court, that w^{thin} three monethes from this time the said thirty pounds shall be paide to this jurisdiction.

[88] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE JURISDICTION, THE 30th OF JANUARY, 1654.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouvernor.
 Mr. Stephen Goodyeare, Dpt. Gou'.
 Mr. Samuell Eaton, }
 Francis Newman, } Newhauen.
 Mr. Benjamin Fenn, Milford.
 Mr. William Leete, Guilford.

Deputies.

Mr. William Gibbard, }
 Henry Lindon, } Newhauen.
 Robert Treat, }
 Thomas Welch, } Milford.
 Mr. Chittendine, }
 George Hubbard, } Guilford.
 Mr. Crane, }
 Lawranc Ward, } Brandford.

* A petition was presented to the court by Leutennant Seely, to desire the court to consider that he had suffered much loss by beeing called to attend the service of the jurisdiction, in the designe intended against the Duch in the yeares 1653 & 1654, both fayling as they know, he was disappointed, though hee had left his other occasions to attend therevpon. The court considered of what was propounded, and though they did not absolutely require his attendance therevpon, specially to y^e former, but propounded the case to him, though in the latter they sent for him, yet that they might incourrage him in any service this way, they are willing to alow him five pounds, w^{ch} they ordered to receive of y^e jurisdiction treasurer.

John Tompson and Humphery Spining propounded for satisfaction for themselues and boate for the voyage to the Narragansets, vpon w^{ch} they were, from the time they were pressed till they returned and were freed here, thirty dayes, for w^{ch} they require eight pounds, and six and thirty shillings two pence for damage they received in aples w^{ch} they had loaden to cary to Longe Island, and ten shillings for two pare of shooes w^{ch} two of Stamford souldiours had. The court told them they might haue made a voyage to Guilford before they went, and haue eased the charge. They answered their boate wanted some mending to fitt it for the intended voyage, though she was sufficient for their occasions to the Island, and after she was mended the winde was against them. They were told that while they lay here on shore before they went, w^{ch} was nine or ten dayes, the court thinkes halfe paye sufficient, but that they may incourage them or any other whom the jurisdiction employes, they shall onely abate them of what they demand fiteene shillings, for two dayes while their boate was a mending, and ordered that they should receive for themselves & boate in the service, wth the loss in their aples and for the shooes, nine pounds & fiteene shillings.

A petition was p^rsented by Thomas Munson and Coop^r of Newhauen, on behalfe of a company of persons intending a remoue to Delaware Bay,* wherein they propound, that for

* At a General Court for the town of New Haven November 2, 1654, the governor read a letter he wrote on the 6th of July, by order of the general court, to the Sweeds

the inlargment of the kingdome of Christ, the spreading of the ~
gospell, and the good of posteritie therein, that they may liue
vnder the wings of Christ, they would afford some incourrag-
ment to help forward so publike a worke.

1. That two magistrats, Mr. Samuell Eaton and Mr. Francis Newman, may haue libertie from this court to goe in person at first, and in case they see not themselves called to lay out [84] so much of their estate || as is like to be disbursed in such an vndertakeing, that then it would please the court that out of the jurisdiction they may be honnourably provided for, as men that are willing to lay out themselves for the publike good.

2. In case that there be an vndertakeing, they that goe may at first goe vnder the protection of this jurisdiction, and that in case of any affront the jurisdiction will ingage to assist, till by the blessing of God they may be able of themselves to set

governor, with his answer in Latin, dated August 1st, and the answer of the commissioners to that, dated Sept. 23d. At the same time he informed them that while attending the meeting of the commissioners at Hartford, several had spoken with him in reference to settling at Delaware Bay, if it might be planted. The town was desired to consider which way it may be carried on. After much debate about it, and scarce any manifesting their willingness to go at present, a committee was chosen, viz. Robert Seely, William Davis, Thomas Munson and Thomas Jeffery, to whom any that are willing to go may repair to be taken notice of, and that if there be cause they treat with those of New Haven who have purchased those lands, to know what consideration they expect for them.

On the 27th of November the committee reported that they had spoken with sundry persons in the towne, but that not answering expectation, they got a meeting of the brethren and neighbors, and for the most part they were willing to help forward the work, some in person, others in estate, so the work might be carried on and foundation laid according to God; and at that meeting they desired that the governor and one of the magistrates, with one or both the elders, might by their persons help forward that work, whereupon they had a church meeting, and propounded their desire. The elders declared they were willing to further the work and glad it was in hand, but Mr. Davenport said, in reference to his health he sees not his way clear to engage in it in person, nor Mr. Hooke, because his wife is gone for England, and he knows not how God will dispose of her. The governor gave no positive answer, but said it was worthy of consideration.

They further informed that some from other plantations see a need of the work and are willing to engage in it, and the rather if it be begun by New Haven, and foundations laid as here and government so carried on, thinking it will be for the good of them and their posterity.

They also declared that they had treated with the proprietors about the purchase of the land, and understand that they are out above six hundred pounds, but are willing to take three hundred pounds, to be paid in four years.

It was propounded to Mr. Samuel Eaton and Mr. Francis Newman to go with the company, who took the matter into consideration, and on the 11th of December, signified their conditional assent.

New Haven Town Records, ii. 158, 160.

vp a Common wealth according to the fundamentalls for gouernmt laid at Newhauen.

3. That seeing our numbers are yet small, aboute or betwixt 50 and sixty, wee desire the court to consider what number they thinke may be a competent number, that wee may serue Gods pvidence and yet not let the worke fall for want of too great a number.

4. That two great gunns and powder and what belongs to them might be granted.

5. Seeing that most that haue purposes to goe doe onely for publique respects vndertake, and not for any need at present, and therevpon doe leaue their houses and land wthout that improvement that they themselues did make, they desire that for some time, as the court shall thinke meete, they may be freed from rates and publique charges.

6. Seeing that they whose hearts God stirs vp to vndertake at first, are men for the generall of no great estates, and some cannot goe wthout help, wee desire that a some of money may be raised in this jurisdiction, w^{ch} may be employed, either to buy a small vessell that may attend the service, or otherwise, as shall be thought meete. Now that w^{ch} occasions this last is not onely the sense of the great expence and charge at first, and the present need that some haue now, but also wee haue heard from sundrie, that generally men are willing to help on the worke, either by psons or estats. Thus beging pardon for our bouldness, and humbly desire to comitt all yo^r consultations vnto the direction of the God of wisdom, and so remaine,

Newhauen the 30th
of the 11th moneth, 1654.

Yo^rs to be comanded,

John Cooper,
Thomas Munson,
in y^e behalfe of the rest.

To w^{ch} the Court returned,

That hauing read and considered a papr of some propositions presented by Thomas Munson and John Cooper of Newhauen, in the name and behalfe of sundrie psons of this jurisdiction and elsewhere, appearing as vndertaker for the first planting of Delaware, in order to y^e publique good of this jurisdiction and the inlargment and further advancement of the kingdome of Christ in these parts, doe returne in answer as followeth.

1. That they are willing so farr to deny themselues for the furtherance of that worke in order to the ends propounded, as to grant libertie to one or both of those magistrats mentioned to goe alonge wth them, who, wth such other fitt psons as this

court shall see meete to joyne wth them, may be impowred for mannaging of all matters of civill gouernment there, according to such comission as shall be given them by this court.

[85] 2. That they will either take the proprietic of all the purchased lands into their owne hands, or leaue it to such as shall vndertake the planting of it, provided that it be and remaine a part or member of this jurisdictiō. And for their incouragement they purpose when God shall so inlarge the English plantations in Delaware as that they shall grow the greater part of the jurisdiction, that then due consideration shall be taken for the ease and conveniency of both parts, as that the gouernor may be one yeare in one part and the next yeare in another, and the dept. gouernor to be in that part where the gouernor is not, and that gen^ll courts for makeing lawes may be ordinarily but once a yeare, and where the gouernor resides; and if God much increase plantations in Delaware and deminish them in these parts, then possibly they may see cause that the gouernor may be constantly there and the deputie gouernor here, but that the lesser part of the jurisdiction be protected and eased by the greater part, both in rates and otherwise, w^{ch} they conceive will be both acceptable to God and, (as appeares by the conclusions of the comission^{rs}, anno 1651,) most satisfying to the rest of the Vnited Colonies.

3. That for the matters of charge propounded for incouragement to be giuen or lent, to help on their first beginnings, they will propound the things to the seuerall pticular plantations and promove the buisnes for procuring something that way, and shall returne their answer wth all convenient speede.*

* At a General Court for New Haven March 16th, 1654-5, The town was informed that the occasion of this meeting is to let them understand how things are at present concerning Delaware, now John Cooper is returned; he finds little encouragement in the Bay, few being willing to engage in it at present, and therefore they may consider whether to carry it on themselves or to let it fall. Mr. Goodyear said notwithstanding the discouragements from the Bay, if a considerable company appear that will go, he will adventure his person and estate to go with them in that design; but a report of three ships being come to the Sweeds, seems to make the business more difficult. After much debate about it, it was voted by the town in this case, that they will be at twenty or thirty pound charge, that Mr. Goodyear, Serjeant Jeffery, and such other as they think fit to take with them, may go to Delaware and carry the commissioners letter and treat with the Sweeds about a peaceable settlement of the English

The Court considering the sad state of things in Old England, our native cuntry, as appeares by what intelligence they haue received from thence since they came together, thought it their duty to set a day apart in the whole jurisdiction for humiliation and solemne seekeing of God in fasting and praire on their behalfe, w^{ch} is appointed to bee vpon Wedensday come three weekes, w^{ch} will be the last day of February next.

AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR THE JURISDICTION, THE 2^d OF FEBRUARY, 1654.—PRESENT,

Theophilus Eaton, Esq^r. Gouvernor.

Mr. Stephen Goodyear, Deputie Gou'.

Mr Samuell Eaton.

Francis Newman.

Mr. William Leete.

Mr. Benjamin Fenn.

Walter Robinson of the age of fiftene yeares, a seruant to Mr. Fowler of Milford, was called before the court and told that he stands charged for co^mmitting that horrible sinn of

upon their own right, and then after harvest, if things be cleared, company may resort thither for the planting of it.

On the 9th of April, 1655, The town was informed that there were several who have purposes to go, but they conceive they want number of men and estate to carry it on, now if any be willing to further it in person or estate they may do well to delare it. It having been first made known to them that though they may go free and not engaged to be a part of this jurisdiction, yet they and all such as come after must engage upon the same foundations of government as were at first laid at New Haven, which were now read unto them, and though some objections were made, yet notwithstanding, the business proceeded, and diuers declared themselves willing to further it.

And for their further encouragement the town granted, if any go and leave none in their family fit to watch, their wives shall not be put upon the trouble and charge to hire a watchman, the persons only which are present being to carry on that service. They also further agreed to lend the company the two small guns which are the towns, or else one of them and one of the bigger, if they can procure leave of the jurisdiction for it, with at least half a hundred of shot for that bigger gun, if they have it, and a meet proportion of musket bullets, according to what the town hath, and also a barrel of that powder which the town bought of Mr. Evance. And concerning their houses and lands which they leave, what of them lyeth unimproved shall be freed from all rates one year and a half from the time they leave them, paying as now they do for what they improve. Then they shall have one years time more, that they shall pay but one penny an acre for fenced land and meadow as they do at present.

Town Rec. B. 165-7.

beastialtie, wth a bitch, and therein abasing the nature of man in a most filthy way, and that vpon the Lords day. His examination before the court at Milford, wth a testimony of Edward Willson, a seaman, vpon oath, were read, w^{ch} are as followeth,

[A page of the Record containing details of the testimony is here omitted.]

[86] The court, hauing heard the examinations, confession and prooffe concerning Walter Robinson, by way of sentence declared, that his sinn is such as by the law of God and the law of this jurisdiction he ought to dye, and therefore the court dare doe no other but pronounce the same, that all others may heare and feare, and take warning not to comitt [87] || such wickedness. W^{ch} sentence of death is to be executed vpon him by hanging vpon the gallowes, and that the bitch wth w^{ch} he hath committed this horrible wickedness be killed in his sight at that time, w^{ch} is ordered to be the first Wedensday in March next, that so in the meane time he may consider his sinn and repent and seeke to God in Christ, that mercy may be showed to his poore soule.

Mr. Samuell Goodanhouse informed the court that Mr. William Westerhouse is in his debt a considerable some, both vpon pticuler accounts, and likewise in ptnershipp wth him, w^{ch} he could not acquainte y^e court wth when that buisnes was tryed in y^e court, because he was then prisoner at Fyall. He further said that hee heares the house of the said Mr. Westerhouse is to be sould, he desires that he may buy it and set of his debt that way; hee was told, for his debt it must be proued to the courts satisfaction, and for the house, it is not Mr. Westerhouses, but turned ouer to Mr. Benzio for part of his debt, & if he buy the house he must lay downe the price, w^{ch} must bee for the vse of the creditors as the court of magistrates shall order, but the court now ordered that the house shall be sould by an inch of candell, the 13th of this moneth, he that bids most to haue it, for good, currant, cuntry paye, at currant price.

AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR Y^e
JURISDICTION, THE 28th OF MAY, 1655.

PRESENT,

Theophilus Eaton, Esq^r, Gouvernor.

Mr. Stephen Goodyeere, Dpt. Gou^r.

Mr. Samuell Eaton,

Francis Newman,

Mr. William Leete,

Mr. Benjamin Fenn,

} *Magistrats.*

William Ellit and Hanah Spencer were called before the court & told that the court hath bine informed of some vncleane, filthy cariages betwixt them in William Benfeilds boate, and as Hanah Spencer hath said, she was by the said Ellit forced therevnto, but Ellit denyed it, wherevpon Hanah Spencer was called to speake, who declared that she tooke a passage in William Benfeilds boate to goe from Milford to Stamford, in the way as they went one night, when she was in y^e cuddy, Benfeild then sitting at the dore, William Ellit came in to her and asked her if she would haue him, she answered it was not in her power, she was at the dispose of the church at Milford, but after this hee fell vpon her and by degrees got vp her coates and had carnall knowledg of her, but wthout her consent, yet she saith Benfeild was then in y^e cuddy, they three lying closs one by another and she in the midst. Ellit at first denyed any such thing, but after did confess he had had carnall knowledg of her, but not by force but wth her consent, and that he had endeaoured it that time she speakes of in the night but could not, but in the morning while the boate was sayling, he was at the [88] || helme, and being cold desired Benfeild to take y^e helme, and he went into the cuddy to her, and she spake as pittying of him, saying he shaked wth cold, and he laye downe by her and then wth her consent did it, but forced her not.

Hanah Spencer said it was not true, it was but one time and that was in the night when Benfeild was in the cuddy. She was asked how that could be a forced act, when another lay closs by and saith he cannot tell that any such thing was

done, nor did hear her cry out, onely one time he heard her say wth a mild voyce, William Ellit let me aloane; and Gregory Taylor of Stamford who was then in y^e boate, and by reason his wife was sick, was kept awake all night, yet heard no crying out, w^{ch} she would haue done had not her consent bine gained; and further he testifyeth, that Hanah Spencer caried it pleasingly to William Ellit afterward, and as they both confess, fell into a further treaty of marriage in Benfeilds presenc, who pswaded therevnto, and agreed to be married at Greenwich, though after when she came at Stamford she was vnwillig, hauing heard by the wife of Jn^o Graden, a Duch-man, that Ellit should say to her husband, that he had got a sweet-heart who was an vgly creature but she had a good portion, and when he had got that, he would giue her a kicke, this was now testified by Jn^o Graden vpon oath.

William Benfeild was called and told that he is charged wth seuerall miscariages w^{ch} he must answer to, first that he hath neglected his trust, not lookeing to Hanah Spencer whom hee tooke into his boate, but hath by his negligence (and it is well if not by his consent) suffered her chastitie to be voyolated, & that he himselfe had in a filthy way touched her naked body, w^{ch} he said was accidentall; he was told it doth not so appeare, he hauing boasted of this wth other filthy passages to the seamen in Mr. Mayo's vessell, and being ouerheard by Mr. Leueridg, (who was then aboard,) and reprobued for it, he said if he had known he had bine there he would not haue spoken so. Againe it increaseth his fault exceedingly that he suffered Ellit a second time (knowing of ther filthyness the night before) to goe into the cuddy alone wth Hanah Spencer, and there to haue optunity to doe so wickedly, and that he alowed of a treaty of marriage in his boate and pswaded therevnto and was witnes of it, w^{thout} consent of parrents or any w^{ch} had the dispose of her, w^{ch} carriages, though plaine and euident, yet he would not at first owne, but afterward confest the things were true, and for his sinnfull words in Mr. Mayo's vessell, he is ashamed of them and ashamed to name them before y^e court, and confessed he should haue bine more carefull of his trust and not haue suffered such treaties of mar-

riage, especially wth William Ellit whom he knew to be naught, though for want of other help was forced to make vse of him in that voyage.

The court hauing considered the miscariages of these persons seuerally, proceeded to sentenc, and for William Ellit, though they finde no satisfying evidenc that it was a forced [89] rape, yet it is a || hainious filthyness, and it is likely was begun in a way of force though after her consent might be drawne, but as fornication it is a great sinn and folly in a high degree, and seueerly to be punished, beside his inticeing to marriage, wth a purpose declared that after he had got her portion he would giue her a kicke, &c. For w^{ch} filthyness Ellit is to be seueerly whipped, and for inticing her to marriage w^{thout} consent of those who had the dispose of her, that he pay forty shillings fine, and that he beare all charges the jurisdiction hath bine put to aboute this buisnes, and remaine a prisoner till this sentence be fullfilled.

For Hanah Spencer, the court lookes vpon her miscariages as great, though they conceive she hath bine drawne by corruption and temptation, yet they cannot but judg that she deserues to be seueerly corrected, but considering the weakness of her body, (w^{ch} is more then ordinary,) they order that she paye as a fine to the jurisdiction tenn pound, and that she bee p^{re}sented at the whipping post when Ellit receives his correction, that she may in some measure beare y^e shame of her sinn.

And for William Benfeild, because he did not at first attend his trust in lookeing to Hanah Spencer as he ought, and for giuing an opptunity a second time for Ellit to pfect his filthyness, for speaking filthy, base words, such as himselfe saith he is ashamed to name before the court, aboard M^r. Mayoës vessel, and that he would be a witnes of and a pswader to a marriage to be accomplished betwixt them, w^{thout} consent of those w^{ch} had the dispose of her, for all w^{ch} he is sentenced to paye five pound as a fine to the jurisdiction.

For Hanah Spencers fine of ten pound M^r. Prudden now ingaged to y^e court to see it paid.

And for the five pound due from William Benfeild, Ensigne Bryan ingaged to see it paide.

John Knight was called before the court and told that he is charged wth committing filthyness in a sodomitticall way wth Peter Vincon, his master Judsons boy, of the age of fourteene yeares or somewhat more. He denied that he had committed any such filthyness wth him at any time, or wth any other, since wth the children of Francis Hall, but he was told such things would be proued against him, wherevpon a testimony of Thomas Richards and Samuell Richards was read, w^{ch} is vpon oath, taken before the gouernor, w^{ch} they now in court before John Knight affirme to be true, w^{ch} testimony is as followeth,

[About three pages of the Record are here omitted, as containing matters of a nature deemed unfit for publication.]

[91] James Clarke and his wife were told that they are exceedingly to blame, that knowing what a filthy fellow Jn^o Knight was before wth Francis Halls children, and being now informed that he had begun this way of filthyness wth their daughter, they would let her stay there and not complaine of him to publique authority. They said they did intend it, but Goodman Judson promised he should goe away and while he was there they should not be together.

Goodman Judson and his wife were told that they haue don exceeding ill in that they haue concealed these things from publique authority, specially seeing they knew Jn^o Knight what he was, and how neere death for filthynes of this nature before, for w^{ch} he was punished and wore a halter, but by his meanes it was taken of. They haue neglected their trust and duty towards Mary Clarke and her parrents, leting Knight and she be alone together, thereby giuing him opptunity both to abuse and corrupt her, and that contrary to their promise to James Clarke and his wife, and not onely conceale it themselves, but counsell Mary Clarke to conceale it also, all w^{ch} renders them very guilty. They said they did endeaour to keepe the asunder, but it was testified by seuerall that they haue bine often together alone, in the meddowes, in y^e woods,

in y^e corne feilds, and two or three times in y^e barne husking corne, of w^{ch} things goodman Judson could not cleare himselfe.

These things being largely and fully debated, the court tooke them into serious consideration, and remembering John Knights former cariage wth the children of Francis Hall, a loathsome filthyness, for w^{ch} he was then neere vnto death and therefore was sentenced (beside other punishment) to weare a halter aboute his neck, and hauing advised wth the elders of the jurisdiction concerning John Knights miscariages in all the forementioned pticulers, by w^{ch} it is evident he is a leud, prophane, filthy, corrupting, incorridgable pson, a notorious lyar, beside that sodomitticall attempt so proued, and other filthy defying wayes, tending to the very destruction of mankinde, and this gone on in time after time, so that there seemes to be no end of his filthynes nor no meanes will reclaime him, whether publique punishment nor private warnings, wherefore the court cannot thinke him fitt to liue amonge men, and therefore doe by way of sentence order, that John Knight be put to death by hanging vpon the gallowes. After [92] w^{ch} sentence, both to the marshall and || others, Jn^o Knight confessed that all that Mary Clarke charged him wth is true, but denyes what Peter charged him wth, in referrence to sodomitticall filthynes.

For Mary Clarke, the court lookes vpon her as woefully corrupted by John Knight, as appeares by her owne confession beside other evidenc giuen in, and that she hath two much complied wth him therein, wherby a filthy disposition is wrought in her. The court therefore orders that she be seueerely whipped for the same, to see if it may please God to bless these stripes to worke out this sinnfull folly.

For goodman Judson and his wife, the court considered their breach of trust and promise, in giuing Knight such optunities to be alone wth her, though they knew his filthy disposition formerly and now also, and that they haue concealed this from publique authority when they first knew it, whereby his sinn went on and Gods wrath might haue broke out against the place for y^e same, nay, his wife counsells the

girl to conceale it when she was examined, so that much of this mischeife is come by their neglect, for w^{ch} William Judson is to paye tenn pounds as a fine to y^e jurisdiction, that it may be a warning to gouernors of families to be more carefull and watchfull ouer the charge and trust they take vpon them.

For Peter Vincon, because he hath bine instrumentall in this filthy way wth Jn^o Knight, as himselfe now confesseth, three times, and because he concealed it and stiffly denyed it at his first examination before the gouerno^r, that therefore he be whipped, that it may be a warning to him and other boyes to take heed they fall not into such courses hereafter.

The Court hauing heard of some vncleane cariages betwixt Jonathan Couentrie, Thomas Tuttill and Mary Clarke, called them all before them and required of Mary Clarke to declare what Jonathan Couentry had done to her.

[About a page of the Record is here omitted.]

[93] The sentenc of the court concerning these psons is, that Jonathan Coventry be for these filthy miscariages seuerly whipped.

And Mary Clarkes former sentence of whipping further confirmed.

And for Thomas Tuttill, who shewes himselfe most penitent for his fault, and the principall part of his miscariag being onely testified by Mary Clarke and denyed by him, though he confesseth he spake very sinnfull words to her, of w^{ch} he is ashamed, the court considering the matter as it is presented, agree to spare him from correction by whipping, and order that he paye forty shillings as a fine to the jurisdiction.

A case depending betwixt Edward Higby and Jonas Wood was called vpon, but Wood being not prepared to proceed in y^e case, Higby his attorny agreed to haue it deferred till the court of magistrats in October next, or if sooner, till a court purchased by them for that purpose, and for securitie gaue a bond of thirty pound to Edward Higby.

The last will and testament of Anthony Tompson late of New hauen deceased, was presented, made the 26th day of

December, 1654, witnessed by Mr. Peter Prudden, of Milford, vpon oath.

An inventory also of the estate of the said Anthony was presented, amount' to 41^l: 19^s: 10^d, prised the 5th of March, 1654, by John Nash and Thomas Kimberly, and by them testified vpon oath to be a true aprisment, at a court held at Newhauen the 6th of March, 1654.

[94] AT A COURT OF ELECTIONS HELD AT NEWHAUEN FOR THE JURISDICTION, THE 30th OF MAY, 1655.

Theophilus Eaton, Esq^r, is chosen Gouverno^r.

Mr. Stephen Goodyear, Deputie Gouverno^r.

Mr. Samuell Eaton,	} Magistrats.
Francis Newman,	
Mr. William Leete,	
Mr. Benjamin Fenn,	

The Gouverno^r and Mr. Leete Comission^rs, Mr. Goodyear a third man, Mr. Sam: Eaton a 4th, in case on or both the other are hindered from y^e service.

Mr. John Wakeman, is chosen Treasurer.

Francis Newman, Secretarie.

Thomas Kimberly, Marshall.

AT A GENERALL COURT HELD AT NEWHAUEN FOR THE JURISDICTION, THE 30th OF MAY, 1655.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouverno^r.

Mr. Stephen Goodyear, Dept. Gou^r.

Mr. Samuell Eaton,	} Newhauen.
Francis Newman,	

Mr. Benjamin Fenn, Milford.

Mr. William Leete, Guilford.

Deputies.

Mr. William Gibbard, }
 Mr. John Wakeman, } Newhauen.

Leitennant Treat, }
 Thom: Welch, } Milford.

Leitennant Chittenden, }
 George Hubbard, } Guilford.

Richard Law, }
 Francis Bell, } Stamford.

Mr. Crane, }
 Sam: Swaine, } Brandford.

Cirtificates from the seuerall plantations being p^rsented, read & accepted, a petition from Gregory Taylor of Stamford was read, wherein he desires to be freed from the seruice of watching and trayning, &c., because of some weaknes of body w^{ch} is vpon him, to w^{ch} the court answered, that they leaue it to Stamford to giue him all the priuiledges and liberties w^{ch} the law affords.

A petition also was presented from Jeremiah Jagger of Stamford, wherein he acknowledgeth his miscariages, justifies the courts proceedings wth him, (March 22th, 1653,) and desires his fine of twenty pound may be abated and forgiuen; to w^{ch} the court answered, that while he cary it well and remaines in y^e jurisdiction, they shall at present forbear it, but not wholly take it off.

[95] || The Gouvernor remembered the court of some purposes w^{ch} haue formerly bine to set vp a colledg at Newhauen,* and

* At a General Court for New Haven, May 22, 1654, "The towne was informed that there is some motion againe on foote concerning the setting vp of a Colledg here at Newhauen, w^{ch}, if attayned, will in all likelyhood prove verey beneficiall to this place, but now it is onely ppounded to knowe the townes minde and whether they are willing to further the worke by bearing a meet pportion of charge if the jurisdiction, vpon the pposall thereof, shall see cause to cary it on. No man objected, but all seemed willing, pvided that the paye w^{ch} they can raise here will doe it."

The next year, at a General Court May 21, 1655, the subject was "revived, & in some respects this seemes to be a season, some disturbanc being at p^rsent at the colledg in y^e Bay, and it is now intended to be ppounded to the gen: court; therefore this towne may declare what they will doe by way of encouragmt for y^e same, and it would be well if they herein giue a good example to y^e other townes in y^e jurisdiction, being free in so good a worke. Mr. Danenport and Mr. Hooke were both present vpon this occasion, and spake much to encourag the worke," and a committee was appointed "to goe to the seuerall planters in this towne and take from them what they will freely giue to this worke."

Town Rec. ii. 151, 159.

informed them that now againe the motion is reuiued, and that the deputies might be prepared to speake to it, letters were sent to the plantations to informe them that it would now be propounded; he acquainted them also that Newhauen haue, in a free way of contribution, raised aboue three hundred pound to encourage the worke, and now desired to know what the other townes will doe. The magistrate and deputies from Milford declared that if the worke might comfortably be carried on, their towne would giue one hundred pound; but those from the other townes seemed not prepared, as not haueing taken a right course, and therefore desired further time to speake wth their townes againe and take the same course Newhauen haue done, and they will then returne answer; and for a comittee to receive these accounts & vpon receipt of them to consider whether it be meete to cary on y^e worke, and how, and whateuer considerations and conclusions may be meet for the furtherance of it, they agree that each towne chuse some whome they will intrust therein and send them to Newhauen vpon Tuesday come fortnight, w^{ch} will be the 19th of June, to meete in y^e afternoone, by whom also they promise to send the account, what their seuerall townes will raise for the worke; the major part of w^{ch} comittee meeting, and the major part of them that meete agreeing, shall conclude what shall be done in this buisnes.

Mr. Allerton, Ensigne Bryan and Mr. Augar appeared and informed y^e court that, by reason of bad biskit and flower they haue had from James Roggers at Milford, they haue suffered much damage, and likewise the place lyes vnder reproach at Virgenia and Berbadoes, so as when other men from other places can haue a ready markit for their goods, that from hence lyes by and will not sell, or if it doe, it is for litle aboue halfe so much as others sell for; they desire therefore that some course might be taken to remidy this greiuanc. The court approved of their proposition and thought it a thing verey just and necessary to be done, and sent for the baker and miller from Milford, who also appeared and after some debate did confess there had bine formerly some miscariages. The baker imputed it, or a great part of it, to the millers

grinding his corne so badly, w^{ch} the miller now acknowledgeth might be through want of skill, but he hopes now it is and will be better, w^{ch} the baker owned, and, as Mr. Allerton now informed, his bread is at present better, after much debate aboute this buisnes, James Roggers was told that if after this warning his flower or bread proue bad, he must expect that the damage will fall vpon him, vnless it may be proued that the defectiunes of it came by some other meanes.

By letters from Southold, from Mr. Herbert, Leiutennant Bud and Barnabas Horton, and information now from John Peakin, (wherein himselfe is also concerned, haueing laid out some monies aboute the Mill and for rates, w^{ch} some refuse to paye to him,) the court vnderstands that that towne is in an vnsetled frame, w^{ch} they are moued the more strongly to beleeeve because they haue not sent their deputies to this court; vpon consideration of w^{ch} things, and out of a tender respect to them, desiring to setle the affaires of the towne in peace, it was though most meete that two magistrats should be sent to keepe court at Southold, w^{ch} by vote were declared to be Mr. Samuell Eaton and Mr. William Leete, (w^{ch} is to be at the charge of Southold, w^{ch} charges wth other rates they are to see leuyed before they come away, wth the fines for deputies absence at this court.) W^{ch} two magistrats haue in this case, by order of this court, the power of a court of magistrats for tryall of causes and issuing of differences of this nature amonge them. They haue likewise power from this court to chuse some officer or officers, as deputies or constables, as they shall see cause, from amonge the free-men there, to order the civill affaires of that plantation for the yeare ensuing, or till this court take some other order concerning the same. They are to call for cirtifycats of armes, amunition, number [96] of males, || the estate of the towne, wth birthes, deathes and marriages the two yeares last past, no account hauing bine brought in for them, and to inquire how their watches are caried on, and giue such answer to Leiutennant Budds letter, Barnabas Hortons, and Mr. Herberts, (w^{ch} they may haue wth them,) as they shall see cause when they come there, also to John Youngs proposition aboute prohibiting strangers,

English or Indians, from fetching shells for wampom out of this jurisdiction wthout lycense, provided, that all due meanes be vsed to preserue peace both wth English and Indians.

The Gouvernor informed the court, and read to them a letter he had rsd from the planters at Oyster Bay, wth a second letter from Mr. Leuerich, dated at Milford, May 28th, 1655, desiring that their plantation may be admitted a member of this colony, vpon seuerall conditions therein exprest w^{ch} will need weighty consideration, but because there is none of that plantation here to interpret their meaning in sundrie things propounded, and answer to such queries as the court should make, they cannot at present give any other answer but to deferr it for a time, and the rather because, if all other things were cleered, the consent of the cōmission^rs must be obtayned, to w^{ch} they are bound by one article in y^e confederation.

The Deputies of Stamford propounded that they haue and doe still suffer great inconuenienc and damage by Greenwich, who pound their cattell off the cōmon, beside their disorderly walkeing amonge themselues, admitting of drunkenness both amonge the English and Indians, whereby they are apt to doe mischeife, both to themselues and others; they receive disorderly children or seruants who fly from their parrents or masters lawfull correction; they marry psons in a disorderly way, beside other miscariages; and therefore, if y^e court see meete, they desire some course may be taken to reduce them to joyne wth Stamford in this jurisdiction, and the rather because they pretend to shelter themselues vnder the cōmon wealth of England, who wee are confident will not approue of such cariages.

The Court considered of the seuerall pticulers, and remembered how Greenwich at first was by Mr. Robert Feake, the first purchaser of the said lands, freely put vnder this jurisdiction, though after Captaine Patrick did injuriously put himselfe; and it vnder y^e Duch, yet after, it was by agreement at Hartford wth the Duch gou', 1650, to be resigned to Newhauen jurisdiction againe, and since, wee heare that the Duch doe exercise no authority ouer them; all w^{ch} being considered, the court did agree and order that a letter should be

written to them from this court, (w^h they desire y^e gouvernor to draw vp,) and sent now by the deputies of Stamford, requiring them according to y^e justice of y^e case to submitt themselves to this jurisdiction, w^h if they refuse, then the court must consider of some other way.

Vpon a debate betwixt the deputies of Newhauen and the other deputies concerning the provissions to be made for the court for y^e future out of the publique treasury of the jurisdiction, as formerly, those for Newhauen dissenting, it was agreed, that the deputies of Newhauen shall propound it at the next towne meeting, and if they approue of that way it shall so pass, but if not, then they shall let the other townes vnderstand what they conclude of, that they may know how to provide for themselves.*

It is agreed that if in any plantation in this jurisdiction there be none amonge the free-men fitt for a cheife millitary officer, it shall be in the power of the generall court to chuse some other man, as they shall judg fitt, in whom they may confide.

[97] || The Court being informed by Richard Law, one of the deputies for Stamford, that the free-men there had chosen Francis Bell their leutennant, for ordering the millitary affaires at Stamford, did now confirme him in that place and trust.

It is ordered that whosoever shall bring any strong liquour, of what kinde soever, into any harbour or other part of this colony, (vnless directly out of England, or out of some other part of this jurisdiction where custome hath bine paid and duely certified, as in the case of wines,) before he or they land or sell any of it, more or less, shall first make a true and full entry of the quantitie so to be landed, by a note in writting deliuered to y^e jurisdiction treasurer at his house, or to some officer therevnto appointed, as in the case of wines, vnder the like penalty of forfeiture, w^h mittigatiō if the case require it

* The town of New Haven, at their meeting June 18, 1655, considering the subject of provision for the general court out of the jurisdiction treasury, voted that they saw no reason for it, but were willing to maintain their own deputies, and that the magistrates should be maintained at the public charge. Town Rec. ii. 170.

as there, the one halfe to the jurisdiction, the other halfe to him that informes and prosecuts, and the owner or importer of any such strong liquour, as soone as he lands or imports and sells it or any pt of it, shall deliuer and paye to the said treasurer or officer, for euery anchour conteynning tenn gallons, six shillings and eight pence, and so for greater or lesser quantities, namely, after y^e rate of eight pence a gallon, and the buyer, vnder y^e same penalty, shall see that such entry and payment be duely made; and that whosoeuer w^hin this colony shall at any time for sale or merchandize distill any sort of strong liquour, he or she shall w^hin seuen dayes after the same is distilled and so ready for vse or sale, giue in a like true note in writting of the full quantitie so distilled, to the treasurer or other officer, vnder the like penalty, and shall w^hin six monethes after, duely paye or cause to be payde to the said treasurer or officer, after the rate of eight pence a gallon for the full quantitie so distilled; and vpon prooffe that any such strong liquour hath bine distilled and sould w^hout such entry and payement, the valew thereof shall be forfeited to the jurisdiction, vnless their appeare just cause of some mittigation, in w^h case double the valew of y^e said custome may be accepted; and that no pson at any time retayle any sort of strong liquour w^hin this jurisdiction w^hout express lycense from the authority of the plantation w^hin the limitts whereof he so sells, and that due moderation bee attended in prises when it is so retayled, but that none of any sort be at any time sould for aboute three shillings a wine quart. Lastly it is ordered that if any distilling such strong liquours w^hin this colony shall by way of trade or merchandize, after he hath payde such custome, shipp and send forth of this jurisdiction any quantitie of y^e same, he shall for so much haue the said custome repaide by the treasurer or officer who receiued it.

The Gouvernour being formerly desired by this court to view ouer the lawes of this jurisdiction, and draw vp those of them w^h he thinkes will be most necessary to continew as lawes here, and compyle them together fitt to be printed, w^h being done, were now read, considered, and by vote confirmed, and

ordered to be printed wth the articles of confederation also, and y^e court further desired the gou' to send for one of the new booke of lawes in y^e Massachusetts colony, and to view ouer a small booke of lawes newly come from England, w^{ch} is said to be Mr. Cottons, and to add to what is already done as he shall thinke fitt, and then the court will meete againe to confirme them, but in y^e meane time, (when they are finished,) they desire y^e elders of y^e jurisdiction may haue y^e sight of them for their approbation also.

It is ordered that a publique seale shall be provided at y^e charge of y^e jurisdiction, w^{ch} is to be y^e seale of this colony, the bigness of it and y^e impression to be vpon it they leaue to y^e gouernour, and such other as he shall thinke fitt to advise wth aboute it, to consider and order.

Concerning quarter caske to be made in this jurisdiction hereafter, it is ordered that they shall be and conteyne thirty one gallons, or w^{thin} halfe a gallon ouer or vnder, according to a law formerly made, August 3^d, 1653, and the order made in May last, alowing caske to be made but twnty eight gallons, is now repealed.

[98] || It is ordered that the two faires, w^{ch} were formerly ordered to be at Newhauen each yeare, are for the present to be forborne and not kept till this court sees further cause and giue order for the same.

The Gouernour informed the court that he hath receiued from the gen: court of the Massachusetts an order, wherby they confirme what their co^mmission^rs did last yeere at Hartford, in recalling their interpretation of the Articles of Confederation, so offensive to the other colonies, w^{ch} order is by this court accepted and appointed to bee entered next after the conclusions of y^e co^mmission^rs at that meeting.

Francis Bell informed the court that the free-men at Stamford doe desire that Richard Law may be chosen constable for that towne for the yeare ensuing, but the court vnderstanding and further considering the occasions of Stamford and that the three deputies ther last yeare caried on things (for ought they heare) to good satisfaction, did thinke it most meete to chuse the same againe to the same trust another yeare, viz^t, Richard

Law, Francis Bell & Jn^o Holly, who haue y^e same co^mission to act by as they had last yeare; and Richard Law had now the deputies oath administred to him, and if the other two accept of y^e place, he is to administer the said oath to them at Stamford, but if they vtterly refuse, then they confirme the said Richard Law in the place of a constable, and giue him the said commission he had in that place the last time he was in it, and he now bindes himselfe by the oath now taken, to discharge that place faithfully according to his best abillitie.

Old Mr. Swaine, Mr. Crane, Samuell Swaine and Lawranc Ward, are chosen deputies for Brandford for the yeare ensuing, and haue y^e same power & authority co^mitted to them as they the same deputies had the last yeare; and Mr. Crane and Samuell Swaine did now take the deputies oath, and were to administer the said oath to y^e other two at Branford.

It was propounded to know whether Paugaset is not in this jurisdiction, but Mr. Wakeman, one of the owners and at this present a deputie for Newhauen, desired a litle time of respite before he giues answer.

The Gouvernour informed the court that Richard Baldwin, if not some others of Milford, had bine wth him and desired libertie from y^e court to buy some land of y^e Indians aboute Paugaset, but the magistrate & deputies for Milford desired they might not haue leaue till they may more fully vnderstand the minde of their towne, to whom they thinke it will be offensive if granted.

It is ordered that no tobaco shall be taken in the streets, yards, or aboute the houses in any plantation or farme in this jurisdiction, or wthout dores neere or aboute the towne, or in the meeting-house, or body of the trayne souldio^rs, or any other place where they may doe mischeife thereby, vnder the penalty of six pence a pipe or a time, w^{ch} is to goe to him that informes and prosecuts, w^{ch} if refused is to be recouered by distress, in w^{ch} case if there be difference, it may be issued wthout a court by any magistrate, or where there is no magistrate by any deputie or constable; but if he be a poore seruant and hath not to paye, and his master will not paye for him, he shall then be punished by sitting in the stockes one houre.

It is ordered that if an iron worke goe on w^{thin} any part of this jurisdiction, the p^{ersons} and estates constantly and onely employed in that worke shall be free from paying rates.

The Court considering the occasions of y^e jurisdiction and what rate is fitt to be laid to cary on the same, and remembering the co^mmission^{ers} are to meete here this yeare, beside other ordinary charges, did see cause to order that a rate of one hundred and fifty pound shall be leuyed from the seuerall plantations in this jurisdiction, in due and equall proportions [99] according to their estates, w^{ch} is to be paide || to the treasurer at Newhauen, the one halfe by the midle of August next, and the other halfe by the latter end of October next following, in good money, or merchantable beauour at price currant, in wheat at 5^s p bushell, pease or rie at 4^s p bush, in beefe at 3^d p l^b, or porke at 4^d, all good and merchantable, and when either beefe or porke is packed in caske the salt and caske is to be added and allowed for, and if any man paye liue cattell, they are to be prised by indifferrent chosen for that purpose, or in any other pay that may satisfye the treasurer and answer y^e jurisdictions occasions. The penalty for none-payment is as was ordered 27th Octobr, 1646.

The proportion of euery towne is as followeth,

	l	s	d
Newhauen, ...	57	12	10
Millford, ...	28	03	07
Guilford, ...	21	06	07
Stamford, ...	17	18	05
Southold, ...	13	00	04
Brandford, ...	11	18	03
	150	00	00

AT A COURT OF MAGISTRATES HELD AT NEWHAUEN FOR Y^e
JURISDICTION, THE 28th OF SEPTEMBER, 1655.

W^{ch} was purchased by Jonas Wood.

Jonas Wood of Southhampton and Edward Higby of Stratford appeared to issue a case depending betwixt them, con-

cerning a boate, and what passed at a former court in October last was read, and sundrie testimonies were further presented by Jonas Wood, and Edward Higby againe deliuered in to y^e court his bill of sale from Jonas Woods wife, and a testimony of Henry Eastons, all w^{ch} were now read, but in pleading y^e case both plaintiff and defendant saw themselues defective in cleering the case, wherevpon they both consented to issue the matter betwixt themselues, w^{ch} after some debate betwixt them they did and so declared it to y^e court, and Jonas had his seuerall paprs deliuered to him againe.

[100] AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR THE JURISDICTION, THE 17th OF OCTOBER, 1655.

PRESENT,

Theophilus Eaton, Esq^r, Gouverno^r.

Francis Newman,	} <i>Magistrats</i> .	Newhauen.
Mr. Benjamin Fenn,		Milford.
Mr. William Leete,		Guilford.

Nathaniell Kimberly, plant^r.

Jⁿ Fish of Stratford, defendt, } Nathaniell Kimberly declared that John Fish hath accused him & Joseph Whitman of committing leudness wth his sister in law Sarah Eland, and to proue he had so charged them, presented a copie of y^e oath of the said John Fish, taken before authoritie at Stratford y^e 18th of September, 1654, wherein he saith plainly that he did see the two men before named committing leudness, defyling or abusing the body of y^e said Sarah Eland, w^{ch} oath was now owned by the said Fish to be his testimony. But the plant. further to cleere himselfe declared, that this buisnes was in the court at Fairfeild, wherein both he and Joseph Whitman were cleered from the said charge, two other confessing themselues to be the men, namely Robert Cranfeild, who is here present to affirm it againe, and James Blackman who hath sent a note vnder his hand that he was the other, and Fish also confesseth that his sister Sarah Eland saith they were the two men wth her, and not Nathaniell Kimberly, &c. Robert Cranfeild was

called, and vpon oath testified, that being a husking corne at Mr. Hollies, after they had done they went to a neighbours house and staide aboute an hower, James Blakman and he went to looke oxen, and aboute John Fish his house mett wth Sarah Eland and staide a litle, talking wth her, John Fish came out & said, Here is good doeings, thou rouge Kimberly, I know the well inough, but Nathaniell Kimberly was not there. James Blakeman testifyeth vnder his hand that himsele wth Robert Cranfeild was wth Sarah Eland when John Fish came forth and said, Thou rouge Kimberly, I know the well enough, and that he had allready taken oath that they were the pties wth her, and not Nathaniel Kimberly, and shall take oath of it againe if legally called therevnto.

John Fish was asked what he said to it, he said to his apprehension the oathe he hath taken is true, he was told his oath doth not so run, but is absolute, and therefore he should haue bine verey cleere in it, but if he can say no more to cleere himsele, he hath laide a gross slander vpon the two young [101] men charged, || and comitted perjury, takeing Gods name in vayne, in takeing an oath which now appeares to be false.

Joseph Whitman was plantiff against the said John Fish, for the same thing, and John Fish was asked if he can say anything more to cléere himsele in this case then in the former, he said he can say litle, but leaues it to the court.

After consideration, the court proceeded to sentenc, and told John Fish that for the matter of perjury, they medle not wth it, but leaue it to the authority in that colony where it was comitted, but for the slander, it is high and heauy vpon both the young men, as doth plainly appeare by the euidence giuen in, and therefore he is to paye to each of them, (namely Nathaniell Kimberly and Joseph Whitman,) fiue pound, the charges of the court being included, and Phillip Groue and Mr. Holly of Stratford ingaged that the said soñes should be paide w^{thin} three monethes.

Elizabeth Godman was called before the court and told that vpon grounds formerly declared, w^{ch} stand vpon record, she by her owne confession remaines vnder suspition for witch-

craft,* and one more is now added, and that is, that one time this last summer, comeing to M^r. Hookes to beg some beare, was at first denyed, but after, she was offered some by his daughter which stood ready drawne, but she refused it and would haue some newly drawne, w^{ch} she had, yet went away in a muttering discontented manner, and after this, that night, though the beare was good and fresh, yet the next morning was hott, soure and ill tasted, yea so hott as the barrell was warme w^{thout} side, and when they opened the bung it steemed forth; they brewed againe and it was so also, and so continued foure or fiue times, one after another.

She brought diuers psons to the court that they might say something to cleere her, and much time was spent in hearing y^m, but to litle purpose, the grounds of suspition remaining full as strong as before and she found full of lying, wherfore the court declared vnto her that though the euident is not sufficient as yet to take away her life, yet the suspicions are cleere and many, w^{ch} she cannot by all the meanes she hath vsed, free herselfe from, therfore she must forbear from going from house to house to give offence, and cary it orderly in the family where she is, w^{ch} if she doe not, she will cause the court to comitt her to prison againe, & that she doe now presently vpon her freedom giue securitie for her good behauiour; and she did now before the court ingage fifty pound of her estate that is in M^r. Goodyears hand, for her good behauiour, w^{ch} is further to be cleared next court, when M^r. Goodyear is at home.

* On the 7th of August, 1655, Mrs. Godman had been brought before the town court of New Haven, the old charges against her, in August, 1653, were brought up again, and several fresh ones added of a similar character. Goodwife Thorpe, whose chickens had formerly been "consumed in y^e gisard," had been in fresh trouble about her cows; some had been afflicted with reference to their pigs and calves, others had "met wth many hinderances" in churning, and Mr. Goodyear having "warned her to provide her another place to lue in," had met with "a very great disturbance in his family in the night," etc.

The court ordered "that she be committed to prison, ther to abide the courts pleasure, but because the matter is of weight, and the crime whereof she is suspected capitall, therefore she is to answer it at the court of magistrats in October next." She was, "wth respect to her health," released from prison Sept. 4th, though warned at her peril to appear at the court of magistrates, and was told that she must not go up and down among her neighbors to give offence, nor come to the contribution as she hath formerly done. She was suffered to dwell in the family of Thomas Johnson, where she continued till her death, October 9th, 1660.

N. H. Town Rec. ii. 174, 179.

[102] AT A GENERALL COURT HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 19th OF OCTOBER, 1655.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouvernor.

Francis Newman,	} Magistrats.
Mr. William Leete,	
Mr. Benjamin Fenn,	

Deputies.

Mr. John Wakeman,	} Newhauen.
Mr. William Gibbard,	

Robert Treate,	} Milford.
Thom: Welch,	

Leiutenn ^t Chitendine,	} Guilford.
Georg Hubbard,	

Mr. Crane,	} Brandford.
Leiutenn ^t Swaine,	

A letter from Southold from Jn^o Tucker was presented and read to the court, wherein he informes of his abillitie and intendment to make steele there, or in some other plantation in this jurisdiction, if he may haue some things granted he therein propounds, w^{ch} the court considered of, and for that w^{ch} concernes the jurisdiction, they are willing to grant, and for that w^{ch} belongs to Southold, as the takeing clay or wood out of any mans ground, they leaue it to the towne where he setts it vp, not being willing in this case to medle wth any mans proprietie.

The conclusions of the co^mission^rs at their last meeting at Newhauen were read, wherein they tooke notice of a letter that Major Willard wrote to the co^mission^rs, wth a narrative of his pceeding last yeare against Ninigret, and of the co^mission^rs answer to him, and for the matter therein refferred to the seuerall gen: courts, they are willing to suspend their owne thoughts till they may know what the other collonies doe, but by what appeares to them, they see cause to judg that he did not attend his co^mission.

It is ordered that all beare barrells to be made or sent forth of this jurisdiction, w^{ch} are reckoned for quarter caske, shall be of the same size that quarter caske are made for flesh, that is thirty one gallons, or w^{thin} halfe a gallon ouer or vnder, as it was ordered the last generall court.

Vpon the desire of William Judson, and considering his age and weakness, the court abated him forty shillings of the fine of ten pound, laide vpon him by the court of magistrats in May last.

And the same abatement is granted to Hanah Spencer in her fine of ten pound w^{ch} was then laid also.

It is ordered that during this time of the scarcitie of salt, no man in the jurisdiction shall paye to the treasurer any flesh for rates vnless he haue salt to pack it vp or be willing to receiue it, haueing due meanes to dispose of it to some to whom the jurisdic. is indebted, and that (till the court sees cause to alter it) no beefe be paid for rates at aboue two penc three farthings a pound, and porke at three penc three farthings, vnless it be paid wth tallo and suit round, and then it shall goe at three penc and foure pence, and if it be paid in barrells, it is to be after the same proportion.

It is ordered that a day of thanksgiuing shall be kept by this jurisdiction vpon the fourth day of the next weeke but one, which will be the last day of this instant October, for the mercies of the yeare past, and that that day fortnight, w^{ch} [103] will be the 14th of Nouembr, shall be kept a day || of solemne humiliation to seeke God in fasting & praire, for ourselues, our native cuntry, and for the poore, distressed, afflicted protestants, w^{ch} are sorely persecuted by the duke of Sauoy.

The lawes w^{ch} at the courts desire haue bine drawne vp by the gouernor, viewed and considered by the elders of the jurisdiction, were now read and seriously weighed by this court, and by vote concluded and ordered to be sent to England to be printed, wth such oathes, forms and presidents as the gouernor shall thinke meete to put in; and the gouernor is desired to write to Mr. Hopkins, and Mr. Newman to his brother, to doe the best they can to get fve hundered of them printed and sent ouer heither, and that they would lay out the

money, w^{ch} the court conceiues will be aboute ten pound, and they leaue it to the gouernor & Francis Newman to agree wth Ensigne Bryan or some other, vpon as good termes as they can, to paye ten pound for them in England, or if they cannot, to finde out some other meanes, by sending some prission to Barbadoes, though it be to the valew of twenty pound, that the pduce of it may be sent to England for the jurisdictions vse; and that so soone as they are fitt to send away, if no opptunity present to send them to the Baye to goe by the next shipp, that they hire a messenger on purpose, to cary them at the jurisdictions charge.

The Court declared that the law aboute fences, now made & ordered to be printed, is not to alter any just agreement aboute fences, in any plantation, formerly made and now standing in force.

The law concerning straies now ordered to be printed, is for the most pt the same as before, yet there being some things in it altered, the court thought meete to declare and order that those alterations should now be published, and from the said publication be of force in y^e jurisdiction; and first, whereas it was, that if w^{thin} two yeares the owner appeare, he should haue the valew of y^e stray or goods according to the forementioned apprisment, now it is ordered to be w^{thin} three yeares; and whereas before, all charges being paid, the straye or goods went wholly to the finder if the owner appered not in that time, now it is ordered that after all damages or charges to the finder & officers is deducted & paid, the rest shall by sentenc of the plantation court, or where there is no court, by indifferrent men chosen, be ordered & equally deuided, the one halfe to y^e plantation, the other halfe to y^e finder.

To prevent much inconvenienc w^{ch} may grow by gameing, it is ordered that no pson who either as an inkeeper or seller of strong liquo^s, wine or beere, intertaines strangers or others to lodg or eate or drinke, shall pmitt or suffer any to vse the game of shuffle board, or any other gameing, w^{thin} his house or lymits, vnder the penaltie of twenty shillings for euery time so offending, and what euer pson or psons shall so play or game in any such house or place or in any other gameing house, wher ther

is common resort to such playe or gameing, shall forfeite for euery such offence five shillings, and whosoever shall so play or game for money or money worth, shall further forfeite double the valew thereof, one halfe to the informer, and the rest to the plantation w^hin the lymitts whereof he so played or gamed.

Richard Baldwin of Milford declared to the court that he hath vnderstood from them that they did desire some further information aboute Paugaset, he hath accordingly indeauoured [104] || to speake w^h them who haue an interest there, and hath spoken w^h all but two, and they haue made their minds thus farr knowne, & desired to informe the court that they are thankfull that the court will take that matter into their consideration, and that they are verey willing and desierous to haue it vnder this jurisdiction vpon the considerations hereafter exprest.

1. First, that they may stand vpon their owne account in relation to y^e jurisdiction, w^hout beeing vnder any other plantation.

2. That they may haue allowanc of the court to purchase convenient lands for y^e accomodations of a small plantation there.

3. That they may haue libertie to chuse out from among themselues one that may be a help to them to cary on the affaires of the place, that things may be proceeded in orderly, and that he may be impowered to call meetings, put warrants in execution, w^h authority shall send theither, and moderate things for y^e peace and good of the place.

4. That the court would be pleased to forbear them any rates for foure or five yeares, for they must now paye y^e purchase at present and be at charge to purchase more, they haue also their interest at Milford and shall be lyable to rates there, beside other large expences w^h such new beginnings call for.

To w^h the Court returned this following answer to Richard Baldwin, who appeared in y^e name of y^e rest.

That they had considered the seuerall things propounded, and according to their desire they doe accept him and y^e rest of y^t company, (whose names were now giuen in,) and the place called Paugaset, vnder the jurisdiction, and from henceforward shall looke vpon it as a pt thereof.

1. And first, the court giues libertie that if y^e place vpon a serious view be found fitt for a small village, they grant them libertie so to be, wthout being vnder Newhauen or Milford.

2. They doe also condescend that they shall haue libertie to purchase what lands they can of y^e Indians suitable to this village intended, provided it be wthout prejudice to these two plantations, or to y^e hindering of any other plantation that may be set vp hereafter further into y^e cuntry.

3. They are willing that one from among themselues, such as the court shall approve of, shall be intrusted wth power & authoritie to call meetings, execute warrants, moderate in cases of difference, and take y^e best course he can to cary on things in an orderly and peacable way.

4. They are contented that what estate they haue wholly employed at Paugaset shall bee rate free for three yeares.

W^{ch} things were thankfully accepted, and Paugaset declared to be vnder and a part of this jurisdiction.

Richard Baldwin was now appointed to be y^e man to cary on y^e trust before mentioned, hee also now declared that they did intend to purchase large tracts of land of the Indians, but when they haue done they should submitt it all to this court to allot them out such a proportion as should be thought meete for them.

Mr. Crane and George Hubbard, two of y^e present deputies and not interested in this present question, were desired now before they goe home to take so much paines as to goe to Paugaset, (and that one from Newhauen and one from Milford goe wth y^m to informe,) and that they would judg whether this village intended will be any such considerable prejudice to Newhauen or Milford, so as that it should be hindered thereby, and to return their thoughts to y^e gouernor, who alltogether may judg off and determine the case.

[105] AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR
THIS JURISDICTION, THE 26th OF MAY, 1656.

PRESENT,

Theophilus Eaton, Esqr. Gouvernor.

Mr. Stephen Goodycare.

Francis Newman,

Mr. William Leete, } *Magistrats.*

Mr. Benjamin Fenn, }

The last will and testam^t of Richard Mansfeild late of Newhauen deceased, was presented, made the 8th of January, 1654, proued by y^e oath of Dauid Atwater and William Potter, at a court held at Newhauen y^e 6th of March, 1654.

An inventory of the estate of the said Richard Mansfeild was presented, amount. to 395: 01: 06, prised aboute the moneth of May, 1655, by William Bradley, Dauid Atwater and William Potter, and by them testified vpon oath to be a true apprism^t, at a court held at Newhauen 5th February, 1655.

An inventorie of the estate of John Tompson late of Newhauen, was presented, amount. to 229^l: 08^s: 04^d: prised by Richard Miles and Henry Lindon, and by them testified vpon oath to be a true apprisment^t, at a court held at Newhauen the 5th of February, 1655.

The last will and testam^t of Robert Plum of Milford, was p^resented, made the 25th of July, 1655, proued by his owne hand and seale, and witnessed to by Richard Baldwin & Michell Tompkins vpon oath, at a court held at Millford the 17th of Decembr, 1655.

An inuentorie of the estate of the said Robert Plum was presented, amount. to three hundered pounds two shillings five penc, prised by Alexander Bryan and Richard Platt, and by them testified vpon oath to be a true apprism^t, at a court held at Milford, the 7th of December, 1655.

The last will and testam^t of James Haines of Southold was presented, made the 21th of March, 1652, proued by his owne hand, and witnessed by Mr. John Youngs, pastor of the church there, and John Herbert.

An inventorie of the estate of the said James Hindes was

also presented, amount. to 123: 05: 04^d, made the 18th 9th m^o, 1655, prised by Barnabas Horton and Thom: More, and by them testified vpon oath at Southold, before the constables there.

The last will & testam^t of Mr. Frost of Southold was presented, proued by the oath of John Concklyne and Thom. Brush before y^e constables at Southold, the 17th of May, 1656.

An inuentorie of the estate of the said M^r Frost was also presented, amount. to 29^l: 01^s: 00^d, prised by Barnabas Horton and Thom. More, and by them testified to vpon oath before the constables at Southold, made the 18th 9th m^o, 1655.

The last will and testam^t of goodwife Basset of Stamford was presented, made the 5th of 4th moneth, 1653, and now proued by Mr. John Bishop vpon oath.

An inuentorie of y^e estate of Jn^o Whitmore was presented from Stamford, amount. to two hundered & seuteene pound, foure shilling two penc, made the 8th December, 1648, prised by Robert Hustis & Jeffery Ferris.

An inuentorie of the estate of Vincent Simkins, late of Stamford deceased, was p^resented, amount. to 50^l—00—00, prised by Jn^o Holly and Jn^o Waterberry, in Nouem^r 1653.

Mr. Herbert of Southold informed the court that James Hindes, of their towne deceased, made a will, (w^{ch} was now [106] presented to y^e court,) wherin he giues || away his estate to his wife, but none to his children, and he being one of the ouerseers appointed by the said will, hearing that his widdow was aboute to dispose of herselfe in marriage, went to her and desired her to giue something to the children before, she said no, not till she dyed, but at last yeilded to giue them twenty pound a peece, but would not confirme it till goodman Dayton came, whom she was to marrie, and though he at first dissented, yet after yeilded to it, but when writings should haue bine confirmed she refused.

Being now asked the reason thereof, she said her husband gaue it her and she would keepe it while she liued, she was wished to consider if her husband had giuen all away to the children and nothing to her would not she haue bine considered and releiued, men may not make wills as they will them

selues, but must attend the minde of God in doinge the same, who doth pvide that chilkdren, (vnless weightie reason be to the contrary,) shall haue portions, and the eldest a double portion, therefore the rest must haue a part, and the Apostle saith it is the duty of parrents to lay vp for their chilkdren, therefore if they will consider and agree among themselues, it will well satisfye the court, but if not then the court must issue it.

After some debate amonge themselues, they desired the court to issue it, who were informed by goodman Dayton that a cow and calfe is lost sine the goods were prised, and three or foure goates, and y^e house and land is prised very much too deare, also that the eldest sonn had his fathers tooles giuen him, all w^{ch} the court tooke into consideration, and by way of sentenc did order, that the loss of y^e cow and calfe wth the goates, be borne both by mother and chilkdren, and also what loss shall appeare to be in the house and land, and that the tooles be reckoned as pt of the estate, w^{ch} were not before prised, & then the estate as it appeares to be, be equally deuided, one halfe to the mother, the other halfe to the chilkdren, out of w^{ch} the eldest is to haue a double portion of w^{ch} the tooles to be a part, and if the chilkdren be put out to trades, w^{ch} shall be done wth the consent of y^e ouerseers, what shall bee necessary in point of charge to put y^m forth shall come out of their owne portions, and till this be pformed by Ralph Dayton, his bond whereby he was bound to appeare at this court, is to stand in force, w^{ch} bond was now deliuered to Lieutenant Budd, wth order that when y^e sentenc is fullfilled he haue his bond in, and also a further discharge from the ouerseers for so much as they receive to improve for y^e chilkdrens vse.

After w^{ch}, goodman Dayton informed the court that what was done in the case betwixt his wife and chilkdren doth well satisfye them, onely he further declared that before James Hindes dyed, he desired that Mr. Herbert might be put out from being one of the ouerseers and Mr. Wells put in his roome. The court told him that they can doe nothing w^{thout} prooffe, but if Mr. Herbert desires to be free, and if it be proved

that it was the mans minde before he dyed, they are willing vpon goodman Daytons desire, that the two deputies now present, Barnabas Horton & William Purrier, should joyne with Mr. Younge the other ouerseer, to take care of the children and their estates, that they may be put out to trades and their estates improved to their advantage.

A case was propounded by one Benjamin of Southold, concerning two cowes wch he hired of Mr. Frost, who liued at their towne and is now dead, and as is testified vpon oath, [107] gaue his || estate to John Conckelyne senior, of Southold, who now requires the two cowes of the said Benjamin, but he refuseth to deliuer them wthout order from this court, wherefore it is now ordered, that the said two cowes shall be deliuered to John Conckelyne, wth the other estate of Mr. Frost, and y^e deputies of Southold were now ordered to take securitie of the said Conckelyne, that if any other can show a better right to the estate then he, he shall be lyable to make it good.

A small estate was brought from Southold by Mr. Jn^o Herbert, and by order from the gouernour was deliuered to the marshall who tooke an inuentorie of the same, and was the estate of one Robin, an Indian wch some time liued at Flushing, but now lately at Southold, and is brother to Capsha, a Quellipiack Indian, (wch Robbin vpon some discontent hanged himselfe at Southold.) The Court now considered to whom this estate did of right apptaine, and for their better information sent for the Indian sagamore and some other Indians, both young & old, and demanded who was the right hejre of this Robbin. They all declared Capsha, who is his owne brother, though he hath another brother wch is elder amonge the Mohaukes, but they know not but he may be dead, but if he appeare, he must and shall haue a part, but from the court they would expect no more, if what is now in their power was deliuered to the said Capsha. Wherevpon the court conceiuing it to be right, ordered that Capsha shall haue that estate in the marshalls hand deliuered to him before witnes, takeing in writing what he so deliuers, and that he also haue a barrell of beefe wch is at Southold, wch he saith Mr. Herberts man

proffered him ten faddom of wampom for, w^{ch} the court approued of, onely the said Capsha was told that he must paye to the marshall what is just, for trouble and time he hath spent & bine at in this buisnes.

The Court vnderstanding their is some money due from Mr. Hudson of Newhauen for the house he bought, (w^{ch} was Mr. Westerhouses,) to the valew of thirty pound or more, did now order that the said money be presently required, but if he will ingage to paye to the treasurer the said some due, both for house and some rent due before, in beaurour a yeare hence, then he shall haue it still remaine in his hand vpon due securitie giuen, but if that be not accepted and he yet desire to reteyne the money in his hand, he shall giue such alowanc as is fitt in a moderate way for the good of the creditors, and binde himselfe and the said house for securitie of the same, the transacting of w^{ch} buisnes they wholly leaue to Newhauen court.

John Mead of Stamford entered an action of y^e case against Richard Law of Stamford, and declared that the said Richard, being constable in the place and to execute justice to all in an equall way, had denyed justice to him in refusing to giue him an attachment to recouer some damage that he had suffered in his corne.

To w^{ch} Richard Law answered, that he came for an attachm^t that he might take the estate of one w^{ch} he knew was not to paye, nor had he any thing to attach but the clothes to his back, and they were not his owne neither, but he told John Mead that what was due for him (against whom he desired the attachment) to paye, he should haue the money paid him the next day, but he refused and would haue the mans estate for that w^{ch} other men were to paye.

In opening of this case, (w^{ch} was long & tediouss,) the court saw plainly, & therfore declared, that Richard Law had done Jn^o Mead no wronge in this matter nor had he any cause to complaine thereof.

John Mead further declared that Richard Law had in examining some witnesses for him showed much discontent, and had expressed himselfe against him in a threatening way, say-

ing he would not leaue him worth a groate, w^{ch} thing Richard Law did not wholly deny, but said it is like being pvoaked by his froward carriage he might speake some words in discontent, and vnderstanding that John Mead did much villifye him and reproach him for denying justice (as he said) in the case before mentioned, said he would cleere himselfe, though he left not [108] John Meade nor himselfe || worth a groate.

The Court though they approue not John Meade in his way of provoakation, yet they witnessed against Richard Law for these speeches, and he freely owned them, and said he sees the euill of his spirit and speech in them and is sorrey for it, but Jn^o Meade was asked what wrong this is to him, or wherin he hath bine damnified thereby, to w^{ch} he could say nothing but that it was a grieve to him and to his father.

Hee further declared that Richard Law had spoken vntruthes of him in saying that he was one Turners agent, in a buisnes in the towne meeting at Stamford, but Richard Law said he did not say so, but when Turner was called and not there, he said, Here is John Meade w^{ch} I suppose may be his agent, and the reason he so spake was because that Jn^o Meade and that Turner had bine at his house a litle before, and Jn^o Meade did seeme strongly to plead the case of the said Turner; also Jn^o Mead would haue charged another vntruth vpon Richard Law, because he said that Turner & he came to his house together, w^{ch} Jn^o Meade said was vntrue, yet no other then thus, that Turner came first to Richard Law in his yard as he was at worke aboute his barne, and quickly after came John Meade and they went into the house together.

John Meade was told that he hath troubled himselfe and this court wth things of litle weight and moment, and for the latter passages, they are but turnes & equiuocateing wayes, for here was no vntruth in these speeches, therefore he had no cause to complaine, but if he haue any more to saye, he may speake, he said no, but that Richard Law caried it so in his office as hindered him in his duty, and was required to prove it but could say nothing.

Richard Law and George Slawson, deputies for the church at Stamford, to make their complainte against Jn^o Mead,

declared that the said John had said to Francis Bell, that Thomas Hunt should say that he would git into the church shortly, and then he should haue libertie to lye, or steale, or be drunke, or any thing. Jn^o Mead owned that he did speake these words, and that he at first hearing tooke it as a scandalouss speech against the church, but he said he heard it of Thomas Scott, but Richard Law said that Scott denyed it, and y^t the scoope of his speech tended to cleere the church, as appeared by a note vnder Scotts hand, now presented to the court.

John Meade was told if he can proue that Scott spake these words, he must be dealt wth, or if not he, then wth Thomas Hunt, but till he can bring some other author, he must lye vnder it; and he was further told if he did not intend to slander the church, why did he say the next day to Richard Law and his sonn Jonathan, (when they were speaking of this matter,) that he wished the church could cleere themselues, as Richard Law now affirmeth and his sonn hath giuen in vpon oath, w^{ch} was now read; he said he remembers it not, but if he did speake so, it was weakely spoken, but was told it was wickedly spoken.

Richard Law complained and desired the justice of the court against Jn^o Meade in sundrie cases wherein he hath wronged him, so that it is spread vp and downe the plantations, as he comes betwixt this and Stamford, to his great disgrace; as first, that he did deny him justice in refusing to giue him an attachm^t, w^{ch} case the court hath heard; and he hath accused him before the church as one that villified him to the church, and notwithstanding all the church could say, he would [109] not be satisfyed, the ground whereof John Meade || said, was because Richard Law held it forth before the church as if he had complied wth Robert Basset in his disturbing way, and was a forward man against the church and co^mon wealth. Richard Law replied that he did obserue too much forwardness in John Meade that way, and that he told him one time of it, and he answered they intended to rayse nothing against the jurisdiction but against the Duch, but all he did in the church was to giue a worde of advice to his father, (who is a

brother amonge them,) to counsell his sonns to take heede that they runn not too farr that way, and that this was the case Mr. Byshopp the pastour, Jn^o Holly and Jn^o Waterberry, two of y^e bretheren, affirmed.

3^{dly}. Hee spread it abroad of him, that he brought a lye to the towne-meeting, w^{ch} was the case before mentioned concerning Turner.

4. Hee hath said that he forged an agreem^t made betwixt Jn^o Waterberry & widdow Turner, w^{ch} Mr. Goodyeare now testified, who saw that writing at Stamford, and told Jn^o Meade that it is thus and thus expressed in a cleere way; Jn^o Meade then replied, I, that is goodman Laws putting in vnwarrantably, and Mr. Byshopp affirmed the same. Jn^o Meade was asked what he said to it, he said he intended not to charge him wth forgery, but Mr. Goodyeare & Mr. Byshopp now said, that he did charge it as forgery at Stamford, and Francis Bell now said that the agreement was right, that all differences were to be issued betwixt Jn^o Waterberry and widdow Turner, she was to haue the boy and he was to haue of her eight pound, but that night that the buisnes was in hand, he did obserue such carriage by Jn^o Meade, Joseph Meade and John Lawde that exceedingly offended him, and he professed if this was their way to carie it thus and trample vpon authoritie in this manner, he would complaine of it where it might be remedied.

5. Another accusation against him was that he would issue no differrenc betwixt ptie and ptie but he would haue five, six, eight or ten witnesses vpon oath, w^{ch} is vntrue and a slander cast vpon him. This Mr. Goodyeare said John Mead spoke to him at Stamford, and Jn^o Mead now ownes that hee said, that it may be when his euident comes forth goodman Law and he should issue, for buisnes vseth not to be issued at Stamford w^{thout} 5, 6, 8 or 10 witnesses.

6. Hee hath charged Richard Law wth falsifying testimonies vpon oath, to cleere which Mr. Byshopp declared that Jn^o Meade came to him and desired that his euidences might be taken out of Richard Laws his hands, and gaue two reasons, first because he is his enemie, 2^{dly}, because he had falsified

testimonies vpon oath ; Mr. Byshopp replyed, (Mr. Goodyears being by and affirms y^e same wth Mr. Byshop,) if this be true, he is not fitt for church nor co^mon wealth, John Mead said he thought so, Mr. Byshopp said, by this meanes you disable him from any publike place, Jn^o Mead answered that he intended that, Mr. Byshopp said he had better hopes of brother Law, Meade replyed he would be of another minde by May court; but to cleere this charge Jn^o Mead did make nothing appeare, but the contrary did appeare by Rich: Laws declareing his manner and way of examining witnesses and writing downe the same, w^{ch} was also further cleered by the testimony of Richard Mills vpon oath, wth w^{ch} way of pceeding the court was satisfied.

† Lastly, Rich: Law declared that Jn^o Mead hath not onely charged him wth all these euills, but added this, that he is vnder the raigne and power of them; Jn^o Meade owned it & said it was not volentarily spoken by him, but drawne from him, and Mr. Byshop told Jn^o Mead that he said so to him, and that he knew and could prove it, and George Slawson replyed to him that he should not take notice of euery fayling; no said hee, all these are raining euills in goodman Law; Slawson replyed, it is a sad charge; Mead answered, but if I make it not out, my owne ruin and ouerthrow will be the greater.

[110] || Some differrenc betwixt Jn^o Waterberry and Jn^o Mead was agitated before the court, but in y^e issue they agreed betweene themselues and declared it to the court, that Jn^o Mead paye Jn^o Waterberry for his jurny heither, give him his he hath wth-held, though y^e debt was paide, and acknowledg the wronge he hath done him in his name in speaking reproachfull words against him.

The Court considered of these things and doe looke vpon Jn^o Mead as hauing done great wronge to Richard Law in his place as a publike officer, that he hath bine an incendiarie and worker of great disturbanc at Stamford, that he hath highly slandered the church, &c., therfore they agreed for the present to co^mitt him to prison till they may further consider the matter.

After Jn^o Mead was committed he sent a writing to y^e court, wherein he acknowledgeth his miscariages, and w^h what an euill frame of spirit he hath bine caried on, w^h the court looked vpon as short in respect of his sinn, but vpon the intreaty of Mr. Byshop, Richard Law and Jn^o Waterberry, the court inclyned to fauour, and sent for Jn^o Meade out of prison, and declared to him, that they did not rememb^r that they mett w^h such a case since they sat as a court, wherein their hath bine so much mallic and bitterness of spirit in psecuting, both against the church and against Richard Law, the onely officer for civill affaires in that towne, rendering him as a most vile man, neither fitt for church nor comon wealth.

Wherefore the court by way of sentenc did now order, that John Meade doe make a full acknowledgm^t at Stamford, both to cleere the church, Richard Law and Jn^o Waterberry, for though he hath laid heauy charges, yet hath not proved them; that he paye Richard Law, towarde his charge and trouble in this buisnes, (he being in other respects satisfied w^h his acknowledgm^t.) tenn pounds; and for disturbing the jurisdiction, opposing a publique officer, that he paye as a fine tenn pound; and that he and his brother, (or some other man in whom the court may be satisfied,) be bound in a bonde of fifty pounds for his good behauiour for time to come; and that he paye the marshall for his trouble and charge twenty shillings; and if this acknowledgm^t be not pformed at Stamford to satisfaction, he is to be bound ouer to answer it at the court of magistrats in Octob^r next. And Jn^o Mead and Joseph Mead both entered into bond before the court, that the said Jn^o Mead shall behaue himselfe peacably & not fall into these or the like miscariages againe, vpon the forfeiture of the said bond, to be leuyed vpon either or both their estates.

After sentenc Jn^o Mead acknowledged his miscariag in his abominable slandering and reproaching the church, and the courts tendernes notwthstanding his horrible and sinnfull way, w^h hath proceeded from a bitter roote of prejudice and selfe confidenc in his owne way, w^h hath hindered him from taking advice for his good, and for all the pticulers wherein he hath charged Goodman Law, he confesseth he had no cause,

and desires he may be truly humbled for it, he hath forged no agreem^ts, falsified no testimonies, nor denied him justice, &c., much less had he cause to say that these were raining euills in him, but he desires to take y^e shame of these things to himselfe, and y^t all others may take warning by him, and that he may walke in a better frame for the future.

A fine of tenn pound w^{ch} Joseph Mead stands ingaged for, for his brother John Richardson, was now required, but he desires forbearanc till next Michaelmas and he would then see it paid, w^{ch} was granted.

[111] AT A COURT OF ELECTIONS HELD AT NEWHAUEN FOR THE JURISDICTION, THE 28th OF MAY, 1656.

Theophilus Eaton, Esq^r, is chosen Gouverno^r.

Mr. Stephen Goodyeare, is chosen Dept. Gou^r.

Francis Newman,
Mr. Benjamin Fenn, } Magistrats.
Mr. William Leete, }

The Gouverno^r and Mr. Leete are chosen Comission^rs, Francis Newman a 3^d man, in case any of the other should be by Gods providenc hindered.

Mr. John Wakeman chosen Treasurer.

Frances Newman, Secretarie.

Thomas Kimberly, Marshall.

AT A GENERALL COURT HELD AT NEWHAUEN FOR THE JURISDICTION, THE 28th OF MAY, 1656.

PRESENT.

Magistrats.

Theophilus Eaton, Esq^r, Gouverno^r.

Mr. Stephen Goodyeare, Deputie.

Francis Newman,
Mr. William Leete, } Ma:
Mr. Benja: Fenn, }

Deputies.

Mr. Wakeman, }
 Mr. Gibbard, } Newhauen.

Leituent Treate, }
 Tho: Buckingham, } Milford.

Leituent Chittendine, }
 Mr. Kitchell, } Guilford.

Richard Law, }
 Fran: Bell, } Stamford.

Barnabas Horton, }
 William Purrier, } Southold.

Mr. Crane, }
 Leit. Swaine, } Brandford.

John Frost, seruant to Mr. Gibbard, being called and examined aboute the burning his masters house, &c., confesseth as he had done in his former examination before the gouernor, the 17th of March last, viz^t., that he did the day before, (being the Saboth, (in the afternoone, and after his master and m^{rs}. were gon to the meeting, light a peece of papr at the fire in y^e house, and caried it out vnder his hatt, that the children might not see it, and went to the hey stack that stood neere the barne, and did on purpose kindle some hey, wth an intent to burne both hey and barne, and left it smoaking, and then went to the meeting house wthout any indeauour to put it out, but desiring that it might burne, w^{ch} accordingly it did, burning the hey and barne, and after runn to the dwelling house and burnt it downe to the ground, wth much goods; which when he saw, he said it repented him and he was sorrey that he had so done. Hee was asked what stirred him vp thus to doe, and how long these purposes haue bine in his minde, he said hee loued not to goe to plow wth his master, because when the oxen went not right he would knock him, and therfore he had a minde to burn the hey, and he also did it by way of reuenge, because his master had aboute six weekes before whipped him, and from that time he had purposes to doe this thing, w^{ch} he was further stirred vp to doe aboute a fortnight [112] || since, because his master struck him a blow, and would haue done it sooner if he could haue had optunitie to

doe it so as no body might see him and had not bine hindered by raine and snow that fell, and he sometimes thought to doe it in the night, but that he thought it might hurt their psons.

Mr. Gibbard being present said, that it is likely he might sometimes knock him for some miscariages, as he thinkes boyes will sometime deserue, and he did whipp him as he saith, w^{ch} was for lying, w^{ch} he thought was his duty to doe, and he thinkes he did one time strike him a blow because he left open the dore and let some calues goe in and eate pease, but he thinkes if the boy be considered, what he was when he tooke him and how he is now, he thinkes it will appeare that he hath bine well vsed and hath not had any immoderate correction; and he hath now of late caried it in the family so pleasantly as he hath marueled to see, and pticularly the day before he did this mischeife, and that morning, w^{ch} he should wonder at but that he knowes he hath vsed to cary very hippocrittically in other things, and Frost being asked said he did carie it so that he might not be suspected for the mischeife w^{ch} he intended to doe.

Which being fully and freely owned by him, the court seriously considered what God called for in this case, and in the issue concluded, that considering he is young, (aboute fourteene yeares of age,) and also somewhat childish in his way, agreed to spare his life, (though the offence be exceeding heynious and aggrauated wth many circumstances,) but that the following sentence should be executed vpon him, viz: that the said John Frost should be a seruant for one and twenty yeares from this time, fiue or six of which yeares belongs properly to Mr. Gibbard, being a remainder of y^e time of seruice to him due vpon former agreement, and for the other time, fifteene or sixteene yeares, be it more or less, the proffitt thereof shall be deuided betwixt Mr. Gibbard and Mr. Wakeman, (vpon whom the loss fell,) in a due poportion when their seuerall losses are made knowne; that he be seueerly whipped wth rods fitt for that purpose; that he weare a halter about his necke and a small light lock vpon his legg, so as they may be seene; that he stand in the pillory such a space of time as the magistrats shall thinke fitt, and if he shall

goe out of y^e jurisdiction wthout leaue, he shall be lyable to be questioned for his life againe; w^{ch} sentenc was by gen: court ordered to be published by the magistrats of Newhauen the next trayning day, w^{ch} will be y^e 9th of June, and then also, as the case requireth, to be executed. The charge w^{ch} doth arise by his being in prison is to be p^d by the jurisdiction, because they are not willing to put it vpon his master, whose loss by him hath bine to much allready.

Mr. Gibbard informed the court, that he vnderstands that some of his neighbours are not willing that he should haue the boy to dwell wth him againe, fearing he may doe more mischeife in the like kinde, and some objected against his wearing of the lock, because it would be a hinderanc to him in his worke and so make his seruice the less profitable. The court told Mr. Gibbard that they could not force any man to take him, but if he cannot imploye him himselve to satisfaction, he may treate wth any other, as Mr. Wakeman, the marshall or Jn^o Coop^r, aboute the iron worke, and if he can agree wth any of them to satisfaction, the court will be content, but if no comfortable closing can be, so as he may stay here, but that in the issue he must be sent away, and it may be back to England to his father, then the court of magisrts must meete to consider of some further punishm^t to be inflicted for example and terrour to others, that none may be imboldened to take such courses, and if the lock proue inconvenient and a hinderanc in his labour, it is left to the court at Newhauen to alter that part as they shall see cause.

[118] || The Court by vote declared themselues willing that John Youngs wth his barke should yet continew the seruice he was put vpon by the comission^{rs} in September last, to hinder Ninigret from goeing against the Long Island Indians, and that foure men be sent wth him out of this colony, viz^t: two from Newhauen, one from Millford and one from Guilford and Brandford, and that he should haue what prouissions he thought was necessary for the seruice, all w^{ch} charges are to be brought to account by the comission^{rs} in September next.

Vpon a petition presented by John Meggs, and the desire of Richard Hubball, the court abated Jn^o Meggs five pound

of a fine of ten pound that he owed to y^e jurisdiction, and Richard Hubball fiftye shillings of a fine of five pound that he owed likewise, and that the rest be forthwth paide.

Old Mr. Swaine, Mr. Crane, Leiutenn^t Sam: Swaine and Lawranc Ward, are chosen deputies for Brandford for the yeare ensuing, and haue the same power co^mitted to them as they had the last yeare, and Mr. Crane & Leiutenn^t Swaine did now take the deputies oath, and ordered to administer y^e oath to y^e other two at Brandford.

Richard Law and Francis Bell were chosen constables for Stamford for y^e yeare ensuing, and haue the same power as the constable there had the last yeare, and they now tooke oath to discharge that trust faithfully, but if the free-men of Stamford are not willing that Richard Law should hold that trust, they excuse him from this oath, and then Francis Bell is onely chosen according to the freemens desire there, though the court be of another minde, and that the towne of Stamford may see that Jn^o Meades complaints were vnjust and haue made no alteration in y^e court concerning Richard Law. - And Francis Bell now declared that he is not willing to be alone in so weightie a buisnes.

Barnabas Horton and William Purrier were chosen constables for Southold for the yeare ensuing, and haue the same power that the constables of that place haue formerly had, and they now tooke oath faithfully to discharge their duty therin.

It is ordered that when a towne meeting is duely warned, (that is at least foure and twenty hours before,) vpon publique occasion in any plantation in this jurisdiction, whosoever after such warning shall not appeare at the time appointed, or shall wthout leaue depart the said meeting, shall paye for the same two shillings six penc, and for late coming one shilling, and if vpon demande the fine be not paide, the authoritie in y^e place shall recover the same by distress, but if any shall be disorderly and stubbornly refuse, the shall be bound to answer it at y^e next court of magistrats at Newhauen after the said offenc is co^mitted, but in case of submission, the free-men in each plantation haue power to abate or remitt the fine, in either case as they shall thinke fitt.

It is ordered that if any of them who are vndertakers in y^e iron worke, shall or be really in debt, and any man shall desire justice against them to be executed vpon that part of their estate w^{ch} they haue in the said worke, justice shall be granted, but so as the said iron worke be not hindered nor the other ptners damnified thereby, but the said ptie attaching or desiring justice against such part shall, if the case require, come in his roome and be lyable to cary on the said pt in all respects as the first aduenturer, till the debt be payde by the produce that shall arise out of the same.

A bill giuen by Mr. Wells of Southold to y^e treasurer, of aboute three pound five shill, w^{ch} he spent in coming to New-haven aboute two yeares since to giue intelligenc of some publique disturbers there, w^{ch} the freemen there advised him to, conciveing if some course were not taken, the peace of y^e jurisdiction would be indangered, is ordered to be alowed to him by the treasurer.

The Court vnderstanding that John Hodshon had lost a horse, w^{ch} was taken vp for the seruice of the cuntry when they were goeing forth against the Duch aboute two yeares sinc, though in justice they see not ground to alow any thing, yet in a way of neighbourly condescendency, that the loss may not lye too heauy vpon one man, they shall alow him seuen pound ten shillings.

[114] || It is ordered that sixteene horses shall be provided and kept in y^e five townes vpon the maine in this jurisdiction, w^h suitable sadles, bridles, pistoles and other furniture that is necessarie towards the raysing of a small troope for the seruice of the cuntry, in an equall proportion as they can be deuided according to the estate of each plantation, which is as followeth, six from Newhauen, foure from Millford, two from Stamford, and foure from Guilford and Brandford, and that the psons who shall freely vndertake or be appointed therevnto, shall be free from rates both for their psons and ye said horss, also from trayning w^h the foote company, and from any press for themselues and horss to other publique seruice, and shall haue what other priuiledges is granted to troopers in the Massachusetts or Connecticote colonies, provided that

such men who shall be appointed to this service shall be diligent in the use of all due means to fitt themselves and horses for the same at home in their severall plantations, after w^{ch} this court will consider how they may be improved in a publique way of trayning; and that every plantation provide and keepe double as many good stoute doggs, mastives or as neere as can be gott, w^{ch} may be of good use against woolues and in some other cases, w^{ch} proportion of horses, furniture and doggs, is to be provided by each plantation betwixt this and the election court in May next, vnder the penaltie of five pounds.

And for the encouragm^t of souldiours in their millitary exercise in jurisdiction, it is ordered that every plantation shall provide a partison for their leiutenn^t, cullars for their ensigne, halberts for their serjants, wth drumms fitt for service, wth a certaine number of pikes as hereafter exprest, w^{thin} a yeares time, vnder the penaltie of five pound for totall or any greate or willfull neglect, wth libertie for this court to mitigate in this case, and in case of horses and doggs before mentioned, as they shall see meete when they vnderstand what indeauours haue bine vsed for accomplishing the same. Newhauen being furnished, Millford is to haue sixteene pikes, Stamford sixteene, Guilford twelue, Southhold and Brandford eight a peece. And further that halfe a pound of powder for every souldiour be allowed by every towne out of their towne rate once in a yeare to the cheife officer, to be by him bestowed vpon them according to their due deserts, to be spent as he shall order, by shooting at a marke three times in a yeare for some small prise which each towne shall provide, in valew not aboue five shillings a time and not less then two shillings six pence, w^{ch} shall be ordered either to one or more as the officer shall appointe; and that each towne provide a good paire of hilts for souldiours to play at cudgels wth, and that they exercise themselves in playing at backsword, &c., that they learne how to handle their weapons for the defence of themselves and offense of their enemies, and that the deputies of each plantation speake to the teaching elders there to take some fitt optunities to speake to the souldio^rs something by way of exhorta-

tion, to quicken them to a consciencious attendanc to this duty, and that souldio's in time of their vacancy doe exercise themselves in running, wrastling, leaping and the like manly exercises, the better to fitt their bodies for seruice and hardshipp, and that all other exercises, as stoole bale, nine pines, quaites, and such like games be forbidden and not to be vsed till the millitary exercise of the day be finished and the company dismissed from that seruice.

[115] || John Tucker of Southold, who is aboute to set vpon a way of makeing steele there, & had seuerall priuiledges granted to him by this court in October last for his incouragement therein, did now further propound that if his said worke should not bee successfull, yet seeing he layes out allmost all his estate vpon it, he might notwithstanding be free from rates the said ten yeares before granted, w^{ch} the court considered of and declared, that if he doe laye out his estate in such a manner aboute this publique worke, and that God shall cross him therein so that he be impouerished thereby, they are willing that that small remaining part of his estate shall be free from rates for ten yeares.

It is ordered that whosoever shall put or kindle any fire in woods, grounds, yards, orchyards, or other place or places, lying in comon or inclosed, so as the same shall burne fences, buildings, or cause any other damage in any season or manner not alowed by authoritie in that plantation, or on the last day of the weeke, or on the Lords day, euery such person shall paye all damages and halfe so much more for a fine to the plantation, and if not able to paye, shall be corporally punished as the court shall judg meete.

But if any seruant or seruants, pson or psons in relation, or any other whether male or female, shall willfully, maliciously or by way of reuenge, kindle or put any fire into any corne, hey, straw, hempe, flax, timber, hewed, sawen or riuen, heapes of wood, charcoale, other goods or combustiabile matter, especially in the night or on the Lords day, by meanes whereof any dwelling house, barne, shedd or other buildings, hey, corne, cattell, houshold goods, or other estate of what kinde soeuer may be indangered, burnt or destroyed, (much more

if the life or liues of any pson or psons shall be thereby lost or hazarded,) such mischeiuous pson or psons shall be proceeded against, either by the court of magistrats, if the sinn be heyinous or capitall, as a presumptuouse or mallicious offendor or offendor's against the fift, sixt, or eight comādem^t, to be punished by death or otherwise seueerely as the case may require, or by the plantation court, if the miscariage be of a lower nature, by corporall punishm^t or paying double or treble damāges, but if the damāge be great and the offendor or offendor's not able to make such restitution, he or they shall by sentenc or order of the court of magistrats be sould for a seruant or seruants, either into these English colonies or abroad, that due satisfaction (so farr as may be attayned) be made, as the court considering the offenc wth all the aggrauating circumstances shall judg meete.

A letter from Greenwich was read to the court, w^{ch} is an answer to that w^{ch} this court ordered to be sent to them aboute a yeaere agoe, wth w^{ch} answer the court declared themselves much vnsatisfyed, and concluded that this letter should be answered by the gouernor in the name of this court, our right to Greenwich asserted, and that the two present deputies for Stamford, Richard Law and Francis Bell, doe goe to Greenwich and deliuer the said letter, and in the name of this court require the number of their males from sixteene yeaeres old to sixtie, that they may be deliuered wth the other males of this jurisdiction to y^e comission's at their next meeting at Plymouth, but if they doe deny or delay to doe it, they shall by warrant from this court be warned to attend a court of magistrats to be held at Newhauen the 25th of June next, to answer their miscariage therein, and if they appeare not, then Richard Crabb and some other of the most stubborne and disorderly psons shall be by some meanes, (w^{ch} may be thought safe) seized at Stamford, or thereabouts, and sent to Newhauen to answer their contempt, prouided that if in the meane time wee vnderstand by Mr. Garret or otherwise, that they are owned by the State of England, and haue a pattent from thenc for the place, (w^{ch} wee beleiue will not be,) it may be further considered and ordered accordingly.

The court vnderstanding that in some of the plantations the fundam^tall lawes of the jurisdiction haue not bine attended, but that others beside free-men haue had libertie to vote in things of weightie trust and concernment, did now order that those orders be exactly attended, and none suffered to vote but free-men, unless it be in some pticuler cases wherein the proprieties of the planters in generall are concerned and ought not to be disposed of w^hout their consent.

The Court vnderstanding that the towne of Millford haue called vpon Leiut. Treate to watch as other men, declared that [116] as leiuennant he ought || to be free for his pson, estate, and one house lot.

It is ordered that no master, or other family gouerno^r or pson, shall sell any seruant, male or female, of what degree soeuer, out of this jurisdiction, vnless it be into some of the other three colonies, w^hout leaue and lycense from the authoritie of that plantation to w^{ch} he belongs, vnder the penaltie of ten pound for each default.

The Court was informed of sundrie disorders at Southold, as that y^e jurisdictions lawes are not obserued nor towne orders regarded, but fences and gates lye downe and trespasses are comitted & the fines due in such cases not gathered, that diuers doe sell strong water w^{ch} are not lycensed thervnto, by w^{ch} meanes ther is much disorder, both amonge English and Indians, vnseasonable meetings of youth and also elder people in the night, w^h vnreuerent behauiour of diuers both young & old in the publike solemne assemblies, others sitting abroad in the time of the ordinances, and some comeing to them verely seldome or not at all, concerning w^{ch} the court inquired of the deputies of that plantation, who could not alltogether excuse these things, w^{ch} the court was sorrey to here, and declared themselues much vnsatisfyed therew^h, and that such things may not be borne withall in any plantation; and therefore agreed, that they should be certified to Southold w^h a manifestation of the courts dislike thereof and there desire of a reformation, w^{ch} if not attended, the constables were now ordered to binde such disorderly psons to answer it at the next court of magistrats.

The Court was informed that there hath bine a question in some of y^e plantations, whether when cattell be lost, (specially horses,) so that they haue not bine seene or heard of by the owners in a yeare or two yeares time, if in y^e case they should bring them in to paye rates for them; wherevpon the court declared that cattell (specially horses) be missing a yeare or two yeare, so that the owner know nothing but they may be aliue and well, they shall be brought in to the rates as such cattell so long missing, w^{ch} if not after found, but that the owner suffer the loss of them, he shall be alowed so much back as he hath paid for them from that time, provided that if the said cattell shall after a longer time be found and returne to the owner, he shall repaye such alowanc and be lyable to paye what further shall be due more then the two yeare alowed for.

The buisnes aboute the planting of Paugaset, propounded at y^e gen: court in October last, and in some pt assented to, was now againe in question, and what then passed being read, the magistrate and deputies for Milford objected against it, and Mr. Prudden on behalfe of their towne declared that it would be verey prejudiciall to Milford seuerall wayes, so much as they could not comfortably cary on their occasions there by reason of the straightness of accomodations for comonadg for their cattall w^{ch} they should suffer, by reason that Stratford Riuer and Newhauen bounds doe confine y^m to so narrow a compass, all w^{ch} were duely considered, as also what Richard Baldwin and others concerned in Paugaset did say, or others on their behalfe, to take of the objections made; but after much time spent in many debates aboute it, the court saw that ther was not like to be a comfortable closeing betwixt them if the planting of Paugaset went on as had bine intended, wherefore it was propounded to both pties that those concerned in Paugaset would resigne their purchase to Milford, they paying them for the same, and that all former differences may bee buried and forgotten, and that the towne of Milford would [117] || accomodate those of their towne that did intend to sit downe at Paugaset w^{ch} comfortable accomodations for their subsistanc.

Richard Baldwin for himselfe and the rest professed that it hath bine straightnes of accomodations that hath put them to stand so much vpon it as they haue done, but if they may be accommodated at Milford, so as they may but subsist in a comfortable way to maintayne stockes suitable to their families, they shall resigne the purchase to Milford, they paying them what they haue laide out. Millford men replied that they had not wherew^thall to doe it, they haue no meddow to dispose of but some that is reserued for an elder, but Leuitennant Treate offered to giue seuen ac's of his owne meddow towards their accomodations. Richard Baldwin asked if they might not haue the free vse of that meddow reserued for an elder till it be disposed of to the vse intended. Mr. Fenn said he should propound it to the towne and it is like it might be granted, but they could not ingage, and some of it is allready disposed of till y^e time come; so y^t in the issue the court advised both pties to peace, and that those w^{ch} intended for Paugaset would cease any further prosecution till they see what accomodation will be granted them, and vpon satisfaction to resigne, &c.; but if their can be no closeing in this way, then the court declare, they must leaue the buisnes as it was in October last before they medled wth it, but they rather desire a closeing in the way propounded and that no former things bee reuiued to prouoake one another, which if any shall doe, the court cannot but be offended and must so declare themselues, and for Thomas Langden, if all consent but him, and he proue troublesome, the court will take a course either to quiet or remove him.

A case propounded concerning widdow Plume of Milford, wherein she complains of wrong she hath suffered by fencing more then her due proportion, in the debate of w^{ch} buisnes the court saw cause to giue aduice that the land and fence wherein she is concerned be exactly measured and rightly proportioned, to each an equall share, and for so much it appeares she hath done aboue her pportion that she haue it taken off from her for the time to come, and that she bee paid both for makeing and maintayning of it for time past, and for any further consideration of their towne order aboute house lotts or

other fences, it may be considered at another season when things are better prepared.

William Potter of Stamford informed the court that he is a weake infirme man and not fitt to trayne, and desires he might be freed, of whom the court now tooke notice and so judg him to be, and therefore declared that while this weaknes continewes he shall be free from trayning, but if God recouer him to abillitie he is to attend that service againe.

The Gouvernor informed the court that he had received a letter from the Lord Protector, inuiteing the people of this colonie, or pt of them, if they shall see it to be their way, to remove to Jamaica, and also a copie of the instructions giuen by his highnes to Capt. Gookin, who is imployed to all y^e colonies for the furtheranc of that designe, w^h letter and instructions were now read to the court, w^h some other letters from Capt. Gookin and y^e copie of a letter from Major Sedgwick from Jamaica, and also w^h what intelligenc Richard Miles brought from Capt. Martin, to whom he was sent to inquire; after which the deputies from the seuerall plantations were desired to let the court vnderstand what is the minde of their townes in this buisnes, and the rather some weekes since the seuerall plantations had notice of this motion, not onely by the printed paprs sent to them to be published but by other means also, and that an answer would be now expected from them. Much debate there was aboute this thing, and a serious weighing and considering thereof, and though they cannot but acknowledg the great loue, care and tender respect of his highnes the Lord Protector, to New England in generall, and to this colonie in pticuler, yet for diuers reasons they cannot [118] conclude that || God calls them to a present remove theither, though if they could haue found two men fitt and willing to goe w^h Capt. Martin to view, they would haue sent them at the charge of the jurisdiction, but that being hard and difficult to obtayne, must be defferred till another season, and for the present the court onely desired an answer might be sent to his highnes the Lord Protector, w^h all humble acknowledgm^t of his great loue towards vs, w^h they intreated the gouernor to doe as he shall thinke fitt.

What was last yeare paid out of the treasury to the gouernor, secretarie & marshall, is to continew this yeare also, and it was further ordered that the gouernor and Mr. Leete should haue each of them a man at the jurisdiction charge to attend their occasions at home, while they are abroad at the comission buisnes.

The Court by vote declared that they free Mr. Goodyear from paying any jurisdiction rates for y^e yeare ensuing.

The Court vnderstanding that some part of William Ellits fine of forty shillings is yet behinde vnpaide, and that Rogger Williams of Milford before hee dyed, promised to satisfye the same, viz^t twenty shillings to y^e marshall at Newhauen, and what charge was to be paid at Milford, vpon which ingagm^t of his, Ellit was released, it was ordered that the same to be paid out of his estate.

. It is ordered that a rate of one hundered and fifty pound shall be paide from the seuerall plantations in this jurisdiction in just and equall proportions, to the treasurer at Newhauen, the one halfe by the midle of October next, the other halfe by the midle of March following; in money or good merchantable beaunour, at price currant, in wheat at fiue shillings a bushell, pease or rie at foure shillings a bushell, in beefe at two pence halfe penny a pound, and porke at three pence halfe penny, or if in barrells, then after the same proportion, salt & caske being alowed for, all w^{ch} is to be good and merchantable. .

The somes due from each plantation is as followeth,

Newhauen,	56: 02: 00.
Milford,	32: 17: 00.
Guilford,	20: 05: 00.
Stamford,	17: 14: 00.
Southold,	12: 00: 00.
Brandford,	11: 02: 00.

150: 00: 00.

[119] AT A COURT OF MAGISTRATS HELD AT NEWHAUEN Y^e
25th JUNE, 1656.

PRESENT,

Theophilus Eaton, Esq^r, Gouvern^r.

Mr. Stephen Goodyeare,

Francis Newman,

Mr. William Leete.

The Towne of Milford, plant. } Mr. Fenn, on behalfe of Mil-
Henry Tomlinson, defendt. } ford, declared in an action of
the case against Henry Tomlinson, that they had seuerall
things against him, but should refferr them all to foure heads,
First, he hath charged that the towne haue done him wrong.
2^{dly}, that they bought a house of him but neuer pd him for it.
3^{dly}, that he hath much molested and disturbed the towne,
causing many meetings and wth-holding from them the quiet
possession of that w^{ch} is their owne. 4^{thly}, that he hath
broake the jurisdiction order in selling strong water at a
greater price then is alowed, and wine and dyet at (as is con-
ceiued) immoderate prises, whereby the towne sufferes and
some haue said they neuer came at the like place for dearness.

But first, to begine wth the third pticuler, his disturbing
and molesting the towne, in w^{ch} the two first are included.
After Ensigne Bryan grew wearie of keepeing the ordinarie at
Milford and desired to be freed, the towne were exercised
where to gite another fit man, at last they pitched upon Henry
Tomlinson and ppounded it to him, and after some debate he
manifested some willingness therevnto, but thought his owne
house was not fitt, w^{ch} put the towne vpon thoughts, either to
fit his house or buy another more fitt & take his house of his
hand also, and the towne appointed six men to treat wth
Henry Tomlinson aboute buying his house, and wth Richard
Bryan, whose house they thought fitt for that purpose if it
might be procured; so these six men did treat wth the said
Tomlinson and bought his house of him for twenty three
pound, w^{ch} they appointed him to receiue out of the treasury;
after they treated wth Richard Bryan and his father, and
bought Richard Bryans house for sixty eight pound, to be paid

in Tomlinsons house three and twenty pound, and forty five pound out of the treasury, and the said house was designed for an ordinarie, and Tomlinson possessed it and followed that imployment, and was to haue it the first yeare rent free, and after for such a moderate rent as should be thought fitt, and was to keepe in repaire both house and fences during the first yeare, yet after demanded repaires and additions to the house, w^{ch} occasioned sundrie debates wth him and much trouble came to the towne by meetings, &c., and growing wearie thereof, sould the said house to William East and Richard Bryan, who ingaged to y^e towne that it should be for an ordinarie, and if Tomlinson left it they would provide another man, but if he desired it and the towne accepted him in that imploym^t, he should if he would buy the house at the price they paid for it or else hire it for a moderate rent, six pound a yeare was first demanded but after they would accept of five pound a yeare, and what repaires was necessarie should be paid out of the said rent, but Tomlinson refused all and would neither buy the house, nor hire it, nor goe forth of it, nor keepe the ordinarie. This Wit: East and Richard Bryan testified to be true vnder their hands, and by the defendant was not denied.

[120] || Henry Tomlinson was called to answer, and though he made a large discourse, yet that w^{ch} was matteriall to the case was, that he conceiued the house was his owne, and that therefore he need neither buy it, nor hire it, nor goe forth of it, for he apprehends it was his in exchange for his house, and what was paid ouer was lent him by the towne to further him in ~~that~~ imployment; he was required to proue, but said he had none, yet called Thomas Sandford, who testified against him in this pticuler, saying that the towne did absolutly buy goodman Tomlinsons house, but of exchange he knowes nothing, and the six men whom the towne appointed now in writing and vnder their hands affirmed the same, & some of them now in court declared it was so, and Richard Bryan and his father also, wth whom the bargaine was made, said the same, so that it is cleere that he had no cause so to apprehend; he was asked wherein the towne of Milford had done him wrong, and

how he can make it appeare that they haue not paid him for his house, but could say nothing to cleere it, and Ensigne Bryan now afirmed before him that he was paid the three and twenty pound for his house by him according to the townes order.

For the fourth pticuler in breaking the court order in selling strong water at a higher price then therin alowed, he could say nothing against it but that he had mett wth many temptations and had sould some according to order at three shillings a quart, but many testimonies were presented and many of them vpon oath, whereby it appeared that his ordinarie price of selling strong liquors had bine foure shillings a quart and dyet sometimes fifteene pence a meale, when very meane and sometime stinking beefe, not fitt for men to eate, and wine at two shillings a quart, raw and w^{thout} suger. He was further told that that w^{ch} doth aggravate his fault exceedingly is that when the magistrate told him of these things, warning him to take heede least he bring himselfe into trouble, he grew into a great heate and passion, and in a proud insolent way caried it to him as if he would haue flowen in his face, and turned from him in a scornfull manner, saying if he had broke the court order he would answer it; this was testified by William East and Richard Bryan, who were present and heard it.

Henry Tomlinson was asked if he had any thing further to say and prove more then yet he had acquainted the court wth, he said no.

Wherevpon the court after declared that they haue considered the action brought, and the seuerall things charged, and the evidenc giuen in, and doe truely wonder that in so cleere a case he would stand out and suffer it to come thus farr; as for the two houses they see plainly, and evidenc is cleere for it, they were both bought by the towne, Hen: Tomlinsons at 23^l, the other at 68^l, in part of payemt whereof, that at 23^l was paide & accepted, but there is nothing he hath proued of any exchange betwixt Rich: Bryan & himselfe, or betwixt him & the towne; and that yet he should say he would neither buy it, nor paye rent, n^{or} goe out, nor keepe the ordinary, the court cannot but looke vpon it as a willfull, offensive and absurd

cariage, and therefore they order, that Henry Tomlinson hauing y^e first yeares rent free, for the rest of the time sine shall paye after the rate of fiue pound a yeare, and for keepe-[121] ing the ordinarie || still, if he would cary it well and giue content, walking in a humble, righteous way, they can be content, and giue it as advice to Milford that a litle further tryall may be made.

For his charging of Milford to haue done him wronge, the court finds nothing that way, but many faire offers for his good, and for his vnjust molestation of them, causing many meetings and the charge and trouble now brought vpon them, many witnesses here attending, and for his proude insolent cariage to the magistrate, tramplng vpon authoritie in such a manner, (a thing not to be borne,) that he make a full acknowledgm^t at Milford, to cleere the towne and satisfye Mr. Fenn, and paye for their trouble and charge tenn pound.

And for his breaking the jurisdiction order in selling strong water contrary therunto, that he paye as a fine to the jurisdiction tenn pound, w^{ch} is less then the court conceives he hath gained in this vnrighteous way, an account being giuen in of eight anchors, but more is spoken of, w^{ch} is left wth the magistrate to inquire after and demande the customs for that and also for wines drawne; and that he paye the charge of this present court; and for his excessive price in wine & dyet the court layes no fine at present but onely warned him to attend more moderation for time to come, that strangers w^{ch} come to Milford may haue cause to speake well of y^e ordinary there as they have formerly done.

The Gouverno^r acquainted y^e court that he had receiued intelligenc from Rich Law and Francis Bell that Greenwich men doe absolutly refuse to submitt, & will not yeild vnless forced, or ordered by the State of England, wherevpon y^e court concluded that a monethes time be yet forborne, to see if wee can heare they haue any thing from England by way of pattent, after w^{ch} time the first optunitie shall be taken to make seizure of some of them, according to y^e gen: courts order, who shall be sent to Newhauen and then a court called on purpose to

consider of the matter, the sending of which order for seizure may be yet forborne fourteene dayes.

The Gouvernor informed the court that there is sent ouer now in Mr. Garrets shipp, fiue hundered lawe bookes, wch Mr. Hopkins hath gotten printed, and six papr bookes, for records for the jurisdiction, wth a seale for the colonie wch he desires them to accept as a token of his loue. The law bookes cost, printing and papr, ten pound ten shillings, the six papr bookes fourty eight shillings, and the law bookes are now ordered to be deuided as followeth,

Newhauen, 200	Milford, 80
Guilford, 060	Stamford, 70: a pt of wch for Grenwch.
Southhold, 050	Brandford, 40

For euery of wch bookes each plantation is to paye twelue penc in good cuntry paye, (wheat and pease was propounded,) to the gouernor, Mr. Hopkings hauing ordered him to receive it here vpon his owne account, and therfore must be made vp in quantitie, else he would be a great lossor by it.

An inventorie of ye estate of widdow Bradford of Brandford was presented ye last court of magistrats, (but here entered,) amount. to 91^l: 12^s: 11^d, prised vpon oath by John Willford and John Norton, subscribed by Lauranc Ward.

An inventorie also of ye estate of John England, late of Brandford deceased, amount. to 121^l: 06^s: 11^d, prised vpon oath by Samuel Plume & Richard Harrison, January 5th, 1655, in wch is expressed that the last will and testam^t of ye said Jn^o England was that Jn^o Sargant should haue tenn pound of his estate; subscribed by Lawranc Ward.

[122] AT A COURT OF MAGISTRATS HELD AT NEWHAUEN THE
5th OF THE 6th MONETH, 1656.

PRESENT,

Theophilus Eaton, Esq^r, Gouvernor.
Mr. Stephen Goodyeare, Dept. Gou^r.

Francis Newman,
Mr. Benjamin Fenn, } Magistrats.
Mr. William Leete,

George Wood, a seruant to Mr. Goodyeare, was called, and what had passed at Newhauen court aboute a yeare since concerning him, for sundrie miscariages, were now read, and afterward Mr. Goodyeare informed that this man George Wood, vpon Saboth day was seuennight, did make great disturbanc in his family, &c., a knife being missing, it was conceived by some in y^e family that he had stole and was challenged for it, but he denyed and said he had it not and if they would not beleeeve him they might search his chest, wherevpon Hope Lamberton went vp w^h him to see, and he opened his chest and tumbled things vp and downe, but so as if he would rather hide the thing then discover it, yet by providenc, she saw the haft of the knife, it being brass and very discernable, and came downe and told her mother, but George againe denyed it, and that w^h bitter cursing of himselfe, wishing the knife in his heart blood if he had it, whereat Mr. Goodyeare being much troubled, told Geo: it was necessarie now that y^e thing should be cleered and therefore some other should goe to see, wherevpon M^{rs}. Goodyeare went and he with her, and some body else, but when she came there he would not open his chest to let her see, saying they below would laugh at him, and she was faine to goe away as they came, w^h was a plaine mocke put vpon her, then Mr. Goodyeare went vp himselfe and when he came George had throwne the things out of his chest aboute y^e chamber, and bid him looke in his chest if any knife was there, when as he had taken it away and throwne it out at windowe, as himselfe after said. Hope Lamberton being by said there was a bagg w^h had some things in it, he tooke vp a bagg and said here it is, you may looke in it, she said, nay, that is not the bagg, that I meane was an Indian bagg, he said he had no other, but affirmed it, and M^{rs}. Goodyeare looking amonge the bed cloathes found that bagg she ment, wrapped vp in a wastcoate in a pillow, and tooke it forth, but George Wood snached it out of her hand, then Mr. Goodyear caught hold of it, and they both

pulled to see who could get it, but at length Geo. Wood, seeing he could not pull it out of Mr. Goodyears hand, pulled it before him and fell downe and lay vpon it, and so shuffeled forth of it what he pleased and put in his breeches, and then rose againe and would haue gone downe, but Mr. Goodyeare held him and would not let him, then he stroue much [123] || and got into another chamber where lay a heape of pease, and he pulled something out of his breeches and threw into the pease, w^{ch} Mr. Goodyeare saw not and might haue bine concealed had not some other that stood by discouered it, and when they looked they found two siluer spoones, w^{ch} when he saw his countenanc fell, and being asked whose they were, he said Mr. Samuell Eatons, w^{ch} were the two spoones he was charged wth last yeare, but then desperately denied by him, euen wth cursing himselfe, the markes of w^{ch} spoones, both y^e goldsmithes marke and the other, he had fyled of; so in the euening of that day hee was brought before y^e gouernor who now informed that he considering his former and present miscariages, could not but comitt him to prison, but then he first intreated that he might not goe, but that not preuayling, he fell to vse other manner of cariage, and threatened that he would kill himselfe, or would kill or be killed, and refused and would not goe, that the gouernor was faine to send his owne servants to assist the marshall and to force him in, and cause irons to be put vpon him, yet he brooke the prison that night, and had not a watch bine set on purpose, it may be he might haue escaped.

George Wood was wished to speake for himselfe; he seemed sorrowfull and confessed all that was charged vpon him was true and that his miscariages haue bine very greate, and said he blessed God that hath thus discouered him and afflicted him, for by this he more sees his condition and hopes it will be a warning to him.

The Court haueing considered of these miscariages, by way of sentenc declared, that George Wood be first set in y^e pillory aboute the space of an houre, wth a papr fixed to the pillory by him, declareing his miscariages, that after he be seueerely whipt, that he and others may learne to feare such courses;

and seeing he hath bine allreadie expelled out of this plantation for his miscariages, if securitie had not bine giuen for his good behaiour, but now falling againe into these and worse courses, as hath bine declared, stealing, lying, cursing himselfe, threatening to kill himselfe or others, mocking his mistress, rebelling against his master and against the authoritie in y^e place, and this on y^e Saboth day after precious meanes injoyed, wth further lying and athiesticall miscariages, fying of y^e markes of the spoones stollen, one of w^{ch} would haue bine death in some other place; wherefore the court judg him not fitt to live amonge them, but by this sentenc he is now banished out of this jurisdiction, & if after he is onc put forth, he be found in it againe, death is to be executed vpon him wthout any further sentence, but because Mr. Goodyeare hath laid out some money for him and it is fitt it should be repaide, they giue foureteene dayes time that he may take his optunitie to sell him in any of the other colonies or take other course for his securitie, but till then he must lye in prison & in irons, that so future miscariages may be preuented while he stayes here.

[124] AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR
Y^e JURISDICTION, Y^e 15th 8th M^o: 1656.

PRESENT.

Theophilus Eaton, Esq^r, Gouverno^r.

Mr. Stephen Goodyeare, Dept' Gouverno^r.

Francis Newman,	} Magistrats. /
Mr. William Leete,	
Mr. Benjamine Fenn,	

Jeremiah Jagger of Stamford appeared to prosecute in an action of the case against Lambert Woodward, but hee appeared not nor any to answer for him, though he is ingaged in a bond of tenn pound for his appearanc; wherefore the court ordered that the secretary doe write to Stamford to y^e constables there that if the said Lambert come theither they seize him or his estate to the valew of tenn pound, or else take standing secu-

ritie to that valew, to answer ~~the~~ case here or satisfye Jeremiah Jagger, and y^e same Mr. Fenn is to doe at Milford if he come there.

Henry Peirson of Southampton prosecuted in an action of the case against Mr. Giles Silvester of Shelter Island, on the behalfe of John Cooper and Thomas Coop^r of Southampton, and showed to y^e court two letters of attorney, one from Thomas Coop^r to his brother John, and one from John Cooper to Henry Peirson, both to prosecute the said Mr. Giles in this action; & y^e said Henry declared that Mr. Giles Silvester employed John and Thomas Cooper to bring a mare and two colts to y^e north sea wher he had a sloop^e to cary them to Shelter Island, which employment (out of respect to him) they did accept and did their indeauour, but in bringing of them the mare being vnruley cast herselfe and dyed, and Capt. Silvester, whose the mare and colts were, sued Jonas Wood (of whom he bought them) for the same, and recouered against him, and Jonas Wood therevpon sued John and Thomas Cooper, and recouered the same of y^m, and they doe thinke that Mr. Giles Silvester should beare them out in it, being he employed them.

Giles Silvester answered that he neuer employed y^e said Coopers in this seruice, but he comeing accidentally in the sloop^e wth Thomas Yew to Northampton, Thomas Cooper came to him and told him that their were a mare and colts of his brothers at Southampton, and if he pleased he would bring them downe and get his bro: John to help him, and he replied [125] if they were his brothers || hee would receive them if they brought them, and they went and brought two colts and he received them and caried them to Shelter Island, but his brother would not owne them.

Henry Peirson was told that what he declared is denied, therfore he must make prooffe, wherevpon he presented a testimony of Thomas Yew vpon oath, wherein he testifies that Mr. Giles Silvester went with him in y^e sloop^e to Northampton, and said he was ordered by his brother Nathaniell to bring a mare and two colts to Shelter Island in case they were taken vp, w^{ch} they heard they were and put into the oxe pasture,

and y^e said Giles desired him to make ready the sloop to take them in, for, said he, I haue got goodman Cooper to bring them downe, and he brought two colt, w^{ch} they received and caried to Shelter Island and deliuered them safe on shore, and that he heard Giles Siluester say the mare had killed herselfe and that his brother Nathaniel had lost more then this before now, but here was y^e increase.

A testimony of John Ogden vpon oath was also giuen in, wherin he affirmeth that he being at Northampton went aboard Capt. Siluesters vessell to speake with Giles Siluester and found him in great hast to goe to the towne, he asked the reason and he said because he had spoken to goodman Cooper of Southampton to looke vp a mare w^{ch} his brother had bought of Jonas Wood, Hallifax, that he would gladly haue her and cary her home if she were found.

Tow testimonies of Marke vpon oath were presented, the one by Henry Peirson, the other by Mr. Siluester. In that Henry Peirson gaue in, Marke Meggs affirms that he heard Giles Siluester say to Thomas Cooper, that he would faine haue him get vp the mare now the boate is here, for he knew his brother would faine haue her, and he promised paye for his labour, wherevpon Thomas Cooper told him he would his best if he could git his brother or another man to assist, for he could not doe it alone.

In that giuen in by Giles Siluester, Marke Meggs affirms that being aboard y^e boate that Mr. Giles Siluester was in at Northampton, and John and Thomas Cooper being there, he heard Thomas Coop^r tell Mr. Giles Siluester that his brothers mare and colts were y^a in the oxe pasture, and Giles Siluester said, I wish I had them here, seeing we haue a boate to cary them ouer, for my brother would very gladly haue them at the Island, and Thomas Cooper answered, Wee will bring them downe if my brother will help me, and Giles answered, if they would he should be much ingaged to them. Further this deponent saith, that being at Southampton, goodwife Wood asked him to help downe wth the mare and colts, he asked what mare, she said the mare and colts that Capt. Siluester bought of her husband, he replied that Thomas

Coopr and John Cooper promised Mr. Giles to bring them downe, but goodw: Wood answered that neuer a Cooper of them all should haue to doe with any thing she hath, for she was to deliuer y^m to Mr. Ogden.

But by the testimony of John Howell, (whom goodw: Wood imployed wth her owne lad to fetch this mare and coult,) it appeares that when they vnderstood that Thomas Cooper had order from Giles Siluester to take her vp and haue her to him they left the buisnes.

And Isack Willman vpon oath testifyeth that he was wth goodw: Wood when she saw John and Thomas Coopr haltering this mare in the pound, but she said nothing to contradict them therein.

[126] || And Ann White, who seeing the mare fall downe when she killed herselfe, inquired whose mare it was, and goodwife Wood answered it was Capt. Siluesters mare w^{ch} he bought so long agoe of her husband, since w^{ch} she hath had two colts, then she asked John and Thomas Cooper why they medled wth her, and goodw: Wood answered that they were to haue them downe.

A deposition of Thirston Rainer, and another of Ellis Cooke were giuen in, both affirming that the same day that the mare that is in controversy dyed, Mr. Giles Siluester did imploye John and Thomas Coopr to marke the two colts that were left, and they did act accordingly, and while they were present they marked the said colts, or at least one of them.

And Jonas Wood now being in court affirmed that the mare y^t is dead, and now in question, was the very mare w^{ch} hee sould and intended for Capt. Siluester, and that hee had recouered against John and Thomas Coopr in the court at Southampton the valew of the said mare and colts, Capt. Siluester hauing before sued & recouered the same of him in the same court.

Giles Siluester said that these men came to him at north sea, and said that such creatures of his brothers were in such a place and they would bring them downe; he answered if they would, he would be thankfull and satisfie them, and to cleere it deliuered in three testimonies, w^{ch} are as followeth,

Mr. John Ogden deposeth that he told Giles Siluester that he had spoken to goody Wood to bring the mare to north sea, and she promised to bring or send her theither or to Hog-neck, and M^r Giles said he would haue the boate ready at north sea to cary her, yet he would doe nothing wthout this depon^t; y^e next morning he meeting M^r. Giles, asked him aboute y^e mare, he said they will be here by & by, he asked who brought her, M^r Giles said Thom: Coop^r & some body wth him, he replied to Giles, he had done very badly and goody Wood could not take it well that he had not spake wth her, M^r Giles said he hoped ther would be no hurt, he replied I cannot tell, ther might for ought he knew, he asked Giles if he had any order from his brother, he said no but he hoped it would be well enough, and hee said he had not done it but onely that Thomas Cooper proffered to help him downe wth them and so he employed y^m.

Edmund Shawe, aged aboute forty seuen yeares, deposeth, that being in company wth Tho: Coop^r, he heard him say that he told M^r. Giles Siluester that his brothers mare is got vp in y^e ox pasture at Southampton, and that Thom: Coop^r proffered his seruice to M^r. Giles to take vp y^e sd mare & bring her downe to y^e north sea, and further saith, that being one of y^e jury men at Southampton vpon y^e tryall of y^e said mare, w^{ch} mare being killed the coultts were found by y^e jury to belong to Jonas Wood & not to Capt. Siluester.

John Howell & his wife testifyeth that Tho: Coop^r being at their house they heard him say that he proffered his seruice to M^r. Giles Siluester, to cary downe his brothers mare, for he said he would neuer goe to the deuill for a mare, he would tell the truth, & if he did pay for a mare it should learne him more witt then to proffer his seruice to a gentleman another time.

[127] || W^{ch} being read, he was told that whether he or they spake first is not much matteriall, it is cleere by the testimonies giuen in both by himselfe & Henry Peirson, and now also by his owne words, that he did imploye them and promised them paye, and therefore why he should not beare them out in it, (vnless he can proue any miscariage on their part,) must be considered.

Things hauing proceeded thus farr, both plant. and defendt. were asked if they had any more to say in the case, and they said no. Wherevpon after due consideration, the court declared that wth the actions that haue formerly bine in

another court they medle not, the suit then not being betwixt the Coopers and Mr. Silvester, but by what now appeares y^e mare and colts were Capt. Siluesters, though not formally deliuered, and that Giles Silvester treated and agreed wth John and Thomas Cooper to fetch this mare and colts, and after by his order they help to marke the colts, and he received them and caried them to Shelter Island, and though goodwife Wood imployed some others to fetch them, yet when they heard that John and Thomas Cooper were imployed by Giles Silvester, they desisted, and when she saw them halter the mare in the pound she witnessed not against it, and after when y^e mare was dead she said it was the mare her husband sould to Captaine Silvester, and that the Coopers were to haue them downe.

Wherefore vpon the grounds before mentioned, the sentenc of the court is, that Mr. Giles Silvester doe free the said John and Thomas Cooper from the sentenc of the court at Southampton, in that action tryed there betwixt them and Jonas Wood concerning this mare & colts in question, and from the execution of y^e said sentenc and all damages and consequences of the same, and that he paye the said John & Thomas Cooper for charges they haue bine at aboute this buisnes fise pounds, leauing the said Mr. Giles at libbertie vpon further euidenc to haue the case reuciwed, either here or elsewhere, or take any other just course for his releife as he shall thinke fitt.

It is agreed that a day of thanksgiuing shall be kept through the whole jurisdiction for the mercies of the yeare past, the first fourth day of the weeke in the next moneth, w^{ch} will be the 5th day of the moneth, and that that day fortnight shall be a day of humiliation, to humble ourselues for our sinns and prouocations against God, and on behalfe of our native cuntrye, wherein also is to be remembered the state of things at Hartford, and in Plymouth colony also.

Mr. Goodanhouse propounded for a debt of thirty pound, due to him (as he saith) out of Mr. Westerhouse estate, and showed an account makeing the same to appeare, but the court saw not cause to grant his desire, but they leaue it to Newhauen court, that if they see cause to let him haue ten

pound of that w^{ch} is in Mr. Hudsons hand, giuing securitie to be answerable as occasion shall serue, and for y^e rest that is in Mr. Hudsons hand, they also leaue to them to issue wth him, both in pointe of consideration or alowanc for it while he hath had it or shall haue it in his hand, and for securitie for y^e time to come, that the estate may the better be preserved for the advantage of the creditors.

It is ordered that sider shall not be sould to Indians otherwise then wine, strong water, &c., and vnder the same penaltie if any doe.

Newhauen Indians were wth the court and desired them to lend them now in y^e time of their feares three pound of powder, they were told that they must remove themselues to the other side, where their owne land is, and not dwell here nere the towne, where they are disorderly and giue offence, and vpon their remoue thiether, (w^{ch} they haue 7 or 8 dayes libertie for,) they shall haue three pound of powder lent them.

[128] AT A GEN: COURT HELD AT NEWHAUEN FOR THE JURISDICTION, THE 24th 12th M^o, 1656.

PRESENT.

Theoph: Eaton, Esq^r, Gouvernor.

Mr. Stephen Goodyeere, Deput. Gou^r.

Francis Newman,

Mr. William Leete, } *Magistrats.*

Mr. Benja: Fenn,

Deputies.

Mr. Wakeman,

Mr. Gibbard.

Robt Treate,

Tho: Buckingham.

Mr. Kitchell,

Mr. Chittendine.

Mr. Crane,

Sam: Swaine.

The Gouvernor informed that he had received letters from Mr. Rawson, secretarie to the Massachusetts colonie, by order of that gen: court, wth w^{ch} this court is to be acquainted, and vnto w^{ch} it is necessarie they should give answer. The letters were read, whereby it appeared that vpon the receipt of a letter from the gen court at Connecticote, and sundrie questions

therewth, (a copie where-of was also sent and now read,) aboute church affaires, the gen: court in the Massachusets haue appointed a Synod, or meeting of elders, to be in the beginning of June next, and haue chosen twelue of the elders of that colony, and desire this colony also to send some of their elders to the meeting, for the resolving of these questions and what else may be propounded, all w^{ch} the court, wth the help of such elders as were present, did seriously consider of as a thing of great weight and moment, and in the issue, considering the removeall and death of some of their elders, saw no cause to send any of the remaining elders of this jurisdiction, but concluded that their answer to the gen: court of the Massachusets should be as in this ensuing letter.

Much Honnoured Gentlemen,

Wee heard of some petitions and questions, at first vnwar-
rantably procuried and presented at Connecticote, but since,
vnder the name of libertie, offensively if not mutinously prosecuted, and that the gen: court for that colony had desired
advice or assistanc from yo^rselues therein. A letter by yo^r
order from Mr. Rawson, dated October 22th, 1656, informes
more p^ticularly; it came to hand Nouembr^e 3th, but the yeare
was then so farr spent that it seemed inconvenient to call a
gen: court; they haue since mett and considered the contents,
and though they approve yo^r readines to afford help when the
case requires it, yet themselues conceive that the elders of
Connecticote colony, wth due assistance from their court, had
bine fully sufficient to cleare and maintayne the truth and to
suppress the boldness of such petition^rs, (according to a good
president you gaue y^e colonies some yeares since, in a case
not much differring,) wthout calling a synod, or any such
meeting, w^{ch} in such times may prove dangerous to y^e puritie
and peace of these churches and colonies.

We heare the petition^rs, or others closeing wth them, are
very confident they shall obteyne great alterations, both in
ciuill gouern^t and in church discipline, and that some of them
[129] haue procuried or hyred one as their || agent to main-
taine in writing, (as is conceived,) that parishes in England,
consenting to and continewing their meetings to worship God,

are true churches, and such persons \comeing ouer hether, (w^thout holding forth any worke of faith, &c.,) haue right to all church priueledges; and probably they expect their deputie should imploye himselfe and improue his interest, to spread and press such paradoxes in the Massachusets, yea at the synod or meeting. But though some in all the colonies affecting such liberty may too readily hearken and comply, yet wee hope the generall courts, who haue framed their ciuill polity and lawes according to the rules of Gods most holy word, and the elders and churches who haue gathered and received their discipline out of the same holy scriptures, will vnanimously improve their power and indeavours to preserue the same inviolably, remembering that in Christs concernm^ts, they that put their hands to y^e plough and looke back will certaynly haue cause to judg themselues; yet considering how soone the church of Ephesus, (much comended for her puritie and zeale,) left and abated in her first loue, and how suddenly those famous churches declyned, and thereby provoaked Christ to deprive them of their church estate and priueledges, wee haue all much cause to watch and pray that wee enter not into temptation.

The churches in this small colonie are sensible of an afflict- ing hand of God, in the remove of Mr. Whitfeld, and New- hauen ruling elder formerly, the remoue of Mr. Hooke lately, and the death of Mr. Prudden, so that it would be very inconven- ient for them, (besids Mr. Dauenports psonall vnfitnes for so long a journey in the heate of summer,) to send or spare any of their remaining teaching officers to a seruice like to require much time; but their elders haue pused the one and twenty questions, and drawne vp their thoughts by way of answer, w^{ch} beeing read and considered by this court, are fully approued; but they also offer them to yo^r owne and to yo^r reuerend elders due consideration, beeseeching the onely wise, holy and gracious God to bless the meeting, (w^thout whose speciall blessing, according to y^e present state & frame of things in Connecticote colonie, w^{ch} may soone spread further, such a meeting, if it hold, may produce sad effects,) to guide all consultations, and to order the success in all respects to

his owne glory and his peoples good. With my due respects,
I rest, Yo^rs in all service of loue,

Theophilus Eaton,

In the name and by order of y^e

Generall Court for Newhauen colonie.

Newhauen, February 25th, 1656.

An answer to the forementioned questions, drawne vp by
Mr. Dauenport, was read and approved by this court, and
ordered to be sent to y^e Bay, to the said meeting.

To the law in print, concerning disturbers of the publike
peace, as in y^e booke of lawes, fo: 35, this following clause is
by this court added, & is to be obserued by the whole juris-
diction.

And for that designes or practises tending to publike
inconuenienc and mischeife, are vsually mannaged by letters
or writings in a cunning secret way, the conspirators or actors
not thinking it safe to meete often, it shall be in the power of
the gouernor, or any magistrate, or other officer where there
is no magistrate, vpon just or probable grounds, to search or
cause to be searched any mans house, study, closset, or any
other place, for bookes, letters, wrightings, or any thing else,
to discouer and preuent such danger, and the like in case of
murder, theft, and other enormioss crimes, that wee may liue
a quiet and peaceable life, in all godlines and honesty, w^{ch} is
the vse and end of magistracy.

[130] AT A COURT OF MAGISTRATS, HELD AT NEWHAUEN
25th 12th Mo: 1656.

PRESENT.

Theophilus Eaton, Esq^r, Gouernor.

Mr. Stephen Goodyeere, Dept. Gou'.

Francis Newman,)
Mr. Benja: Fenn,)
Mr. William Leete,) *Magistrats.*

John Tompson entered an action against the estate of Mr.
Jn^o Roberts, which is in the hand of Mr. Wakeman, and some

there is at Sea-Brooke in the hand of one Westall, and some at Roade Island, and declared, that there was a treaty of marriage betwixt the saide John Roberts and Ann Vicars, (who is now wife to him the said John Tompson,) which treaty proceeded to a contract, now almost foure yeares agoe, after w^{ch} he went to England and promised to come againe, w^{ch} he hath not done, nor sent that they can heare of; but before he went away, he gaue what he had in this country to Ann Vicars, his espoused wife. Hee was asked when it was due, he said he apprehended when she demanded it. Hee was told, for what is in other places this court medles not, but wth that w^{ch} is in this jurisdiction, and because the case concernes an absent man, they must be the more warye and act vpon cleere prooffe in what they doe, and therfore what witnesses he hath he may produce, wherevpon he p^rsented a testimoney of John Thomas, vnder his hand, dated 5th day 10th mo: 1656, as followeth,

I, John Thomas, doe testify that Mr. Jⁿo Roberts told me goeing to Millford, and at Millford, that whether he liued or dyed, he gaue all his estate that he had in Newhauen and at Roade Island, (in case he came no more,) to his contracted wife.

Thomas Harrison, now in court, testifyeth vpon oath, that he heard Mr. Roberts say when he went away, that he had given to Ann Vicars his whole estate in New-England, whether he liued or dyed.

Anthony Elcott also vpon oath affirmeth, that he heard Mr. Roberts say, both at water-side and aboard the vessell when he went away, that if he proued inconstant, or whether he lived or dyed, he gaue that he had here to Ann Vicars, and she might goe to them, (meaning Mr. Wakeman & M' Ling, whom he intrusted wth his estate,) and take what she would.

The Court considered of the case propounded, and of the seuerall testimonies as they are presented, and declared that they finde that it depends mainly vpon his proveing inconstant or vpon his death, and as Jⁿo Thomas saith, if he came not againe, in all w^{ch} they are yet vncertaine, also they finde no direction giuen to them intrusted, to alienate the estate from Mr. Roberts to her, except (if need were) to supply something for her present vse, nor can they judg it rationall that he

should giue away his estate in such a manner from himselfe, therefore the court (wthout any prejudice to his right) must leaue it till more full light appeare, and beside, by what some haue said, it is questionable whether the estate here doth belonge to Mr. Roberts, or to his mother.

Richard Baldwin informed the court, that there hath bine some wines and liquours brought into Millford by William [131] East, w^{ch} hath || not paide custome according to order, for w^{ch} he was warned to answer at this court but appeared not, the reason was giuen that because of some present weakness of body he is not able to come, but Mr. Fenn informed that he hath written to him to acquainte the court that he either forgott it or did not know the order, both w^{ch} cannot be true, nor neither in case of the liquours, for he hath paide custome for wine formerly, as John Browne and Samuell Cooley affirme vnder their hands; and for the liquours he was told by Richard Baldwin, who bought some of it, that he must paye the custome, but he refused, and that Ensigne Bryan replied to Rich: Baldwin, whateuer he saith he must paye it. It was demanded how much it is he hath thus defrauded the jurisdiction of; it was answered that they finde first, three pipes of wine and fiteene anchors of liquours, but they heare of six pipes of wine more. The court considered of the case, and because he is not here, they pass no sentenc at present, but order that securitie be taken of him to the valew of the goods mentioned, that so he may answer it at the next court.

Serjant Fowler also informed that James Roggers hath brought in some liquours and not paide custome for them. James Roggers being present was asked how much it was, he said two or three anchors, but part of one of them is still in his house, but was told that custome should haue bine paide for them all; hee said also that he had informed Ensigne Bryan, the treasurer of their towne, of them, that he might receive the paye in accounts betwixt them, but ensigne said he remembers it not, nor could James Roggers now say that any such thing had bine accounted for, though sint that time accounts haue bine made vp betwixt them, nor did produce any other prooffe to show he had either paide or so giuen it in,

and Mr. Fenn now said, that hearing of it he told James Rogers that he must answer for his said neglect; but because he might also haue liberty to cleere matters if he can, the court at this time did not pass sentence in the case, but ordered that James Rogers doe also giue securitie to the valew of the said liquors, to stand to the courts sentence when it shall be declared, the takeing of w^{ch} securitie in both cases is referred to Mr. Fenn.

AT A COURT OF MAGISTRATS HELD AT NEWHAUEN FOR THE
JURISDICTION, THE 25th 3^d M^o: 1657.

PRESENT.

Theophilus Eaton, Esq^r, Gouvernor.

Mr. Stephen Goodyeare, Dept. Gou'.

Francis Newman,
Mr. Benja: Fenn,
Mr. William Leeto,) *Magistrats.*

John Vffoote was called before the court, and charged wth comitting fornication wth Martha Netleton, w^{ch} was his fathers seruant, and first was read what had passed at a former court, when his wife and he was deuourced, and he was told that he might obserue thereby how carefull the court was to doe nothing in that buisnes but vpon cleere ground, w^{ch} they had then from himself, that he was not fitt for that relation, neither wth that woman nor wth any other, and judged so himselfe y^t he neuer should be fitt, w^{ch} was also confirmed by his father. Now it is a strange thing, that after all this he should miscary in this manner.

John Vffoote confessed that he had comitted filthyness wth this woman, Martha Netleton, and that she was wth child by him, and professed he was sorey for his sinn therein comitted against God, but yet desires the court to consider the case, [132] being before (though by his owne fault) || deuourced for insufficiency, w^{ch} he hopes might in time haue appeared otherwise, if his wife had caryed it toward him as she ought, but now findeing the neede of that help, was by y^e power of

temptation and corruption in his owne heart ouercome, he desired the court would be fauourable to him, and yt he might haue libertie to marry this woman Martha, w^{ch} is his fathers desire also, as Rogger Terrill who is appointed by his father did now declare to the court, and goodman Netleton, the father of the woman, being p^rsent desired y^e same also.

Martha Netleton confessed that she hath comitted fornication wth John Vffoote, and is wth child by him, w^{ch} was in Nouembr last; she was told there are some suspitions that she hath caryed it ill wth some other pson, but she denyed it and said she is as innocent in that case as the child new-borne.

The Court hauing considered the case did declare, that as things are now represented to them, they thinke he is not vncapeable of marriage, howeuer things haue passed formerly, w^{ch} they intend to inquire after. The fact now comitted they thinke deserues corporall punishment, but considering she is wth child, and as they vnderstand hath some faynting fitts and so may be apt to receive hurt by it; they haue considered his case also as it hath bine presented, and by way of sentenc doe order, that John Vffoote paye, as a fine to the jurisdiction, tenn pound, and that Martha Netleton paye, as a fine to the jurisdiction, five pound, and if further miscariage be proued hereafter, they must expect to heare of it againe, and for the marriage, the court is willing that attending the law in that case, and proceeding in a sober way, they may marry so soone as they shall see convenient for y^m; but she and her father were told that they haue heard what hath passed concerning formerly, and yet notwthstanding by this their desire they show that they judg him a man fitt for that relation, and therefore how-euer things may proue, they haue no cause to make any more questions in that case; they all declared themselues satisfyed in that pticuler.

An inuentorie of the estate of Humphery Spinning, late of Newhaue deceased, was presented, amount. to two hundred and ten pound two shillings and fve penc, taken y^e 29th of Septembr, 1656, prised by Richard Myles and Henry Rotherford, and by them testified vpon oath to be a true apprisment, at a court held at Newhauen y^e 6th of the 11th m^o, 1656, and

Humphery Spinning, kinsman to y^e deceased, and Lettice and Mary his two daughters, vpon oath affirmed that it is a true and full inuentory according to their best light & knowledg, onely ther is some desperate debts, aboute 7^l, 10^s, and a house at Oyster Bay not in y^e former apprisment.

An inuentorie of the estate of Thomas Wheeler, late of Newhauen deceased, was presented, amount. to 196^l: 03: 08, taken the second day of the 11th m^o, 1656, prised by Mathew Gilbert and John Wakeman, and by them testified vpon oath to be a true apprisment according to their best light, at a court held at Newhauen y^e 6th of 11th m^o, 1656, and Elizabeth Wheeler, the widdow of y^e deceased, vpon oath affirmed that according to her best knowledg it is a full and true inuentorie of her deceased husbands estate.

[123] || The last will and testam^t of Mr. Peter Prudden, late pastour of the church at Millford was presented, made the 26th day of July 1656, witnessed by his owne hand, and declared to be so in y^e presenc of Timothy Baldwine, Richard Platt and John Browne.

An inuentorie of the estate of the said Mr. Peter Prudden was also p^resented, amount. to nine hundered twenty foure pounds eightene shillings & fve pence, prised by Allexander Bryan and James Roggers, and by them testified vpon oath to be a just apprisment according to their best light, at a court at Milford y^e 4th of Decembr, 1656, and M^{rs}. Joanna Prudden, y^e widdow and executrix of y^e deceased, vpon oath affirmed that it is a full and true inuentorie according to her best knowledg, except some reckonings betwixt the towne of Milford and she, that at present could not be cleered. This inuentorie was taken 2^d Septem: 1656.

An inuentorie of the estate of Rogger Williams, who liued at Milford, was p^resented, amounting to 29^l: 05: 00^d, and therin attested by the secret:, that at a court held at Milford y^e 2^d of Septem: 1656, Allexander Bryan and Richard Bryan affirmed vpon oath that this is a true copie, taken out of y^e originall and that y^e originall inuentorie was valewed justly to the best light of the apprissers, witness Allexander Bryan, Robert Treat.

From Stamford was presented the last will and testament of Robert Hussted senior, made the 8th day of July, 1652, w^{ch} is confirmed by his owne seale, and witnessed by Richard Crabb and William Newman; legally proued at Stamford 4th Nouem^r 1654.

The last will and testament of Elizabeth Hustis, late of Stamford deceased, was presented, made the 16th of October, 1654, confirmed by the marke of her owne hand, witnessed by Richard Mills and Jeremiah Jagger, legally proued at a court at Stamford y^e 20th Nouembr, 1654.

An inuentorie of the estate of John Chapman, late of Stamford deceased, was presented, taken y^e 30th January, 1655, amount. to 270^l: 17^s: 08^d, prised by Richard Law and Francis Bell vpon oath, as is therin certified.

An inuentorie of the estate of Robert Rugg, late of Stamford deceased, was presented, taken y^e 29th January, 1655, amount to 80^l: 06: 02^d, prised by Richard Law and Francis Bell vpon oath, as is therein certified.

Some differenc betwixt James Mills, M^r Goodyeare, M^r. Allerton and M^r. Larebee, was presented to the court, but after by consent wthdrawne and referred to a private determination.

Edward Jessup, plant^r. } Edward Jessup declared that Rich-
Richard Crabb, defendt^r. } ard Crabb hath taken vp a mare of his w^{ch} had bine marked wth his marke two or three yeare, and hath added another marke, and hath giuen away pt of the said mare to Abraham Frost to recouer the other part.

Abraham Frost, attorney for Richard Crab, owned the takeing vp the mare, and being in question was advised to giue her some other marke, w^{ch} they did by cutting her tayle, and at first he denyed that he had one pt to recouer the other, but that it was freely giuen him; he was told it is true he was advised by the constables at Stamford to giue her some by-marke, as cutting a few haire or the like, but he had cut the tayle quite off, w^{ch} they neuer intended, and that is the worss because it is the marke that Rich: Crab giues his other horses.

Both pties were told that the court can doe nothing in this case but vpon prooffe, and therefore if they haue any evidenc

they may produce it. That the mare was taken vp by Richard Crab or his agent and thus marked is confessed, and seuerall [184] || testimonies were presented by Edwa: Jessup in writing, w^{ch} makes it probable that the mare might be his, and that Abraham Frost was to haue a pt of y^e mare and increase, to recouer y^e other pt for Richard Crab.

Abraham Frost also p^resented one testimoney w^{ch} saith this mare was like goodman Crabs, and another that saith it was like y^e mare that goodman Crab discribed to him to be his.

But more fully to cleere the buisnes Edward Jessup brought Joseph Mead of Stamford, (who was his agent and employed by him and did marke this mare for him,) as his witnes, who did now in court affirme vpon oath, that when Edward Jessup and his mother widdow Whitmore went from Stamford to live elsewhere, they left two mares at Stamford and desired him to take care of them, and he did vse what care he could in it, and these two mares and their increase he obserued from time to time, yeare after yeare, haueing many occasions to goe into the woods, and this pticular mare now in differrenc she did keepe wth the other colt that was a companion wth her seuerall yeares, they two being together he obserued them when they were sucking colts and also before they were a yeare old, and seuerall times in the yeare, and obserued how the cullour went on, and can safely say that this mare, wthout any question or scruple in his conscienc, is Edward Jessups.

Further to strengthen this testimoney it was affirmed now in court by some of Stamford, and some testimonies in writing were showed to that purpose, that Joseph Mead is a man well experienced in the knowledg of most mens horses aboute Stamford, and is much employed by others to looke vp horses for them, and is judged to be one of the ablest in towne for that purpose.

Abraham Frost said that when Joseph Mead marked this mare for Edward Jessup, he was wished by the constables at Stamford not to doe it, and the constables now said that they wished him to forbear at present.

Both pties hauing spoken what they would in the case, the court declared, that they haue considered the case as it is pre-

mented, and according to their best light this mare in question seems to be Edward Jessups, but because it is but one witness that speaks punctially to it, and that there is possibility of mistake & the mare was marked by Joseph Mead against advice, therefore, if within a yeares time Richard Crab or any other bring in better evidence, they shall be heard and the case againe considered, notwithstanding what is now done, and that Richard Crab paye Edwa: Jessup for charges forty shillings, but if Edwa: Jessup shall within the yeare before mentioned remove the mare out of this jurisdiction, he shall put in standing securitie to the full valew of the said mare, to be answerable for the same if better prooffe be made and to paye back the forty shillings againe wch he received for charges also.

The buisnes concerning William East, aboute the custome of wines and strong liquors, wch was in question the last court of magistrats, was now againe spoken to, and Richard Baldwin further informed that he had told Mr. Fenn thereof before any account was giuen in or taken, wch was at goodman [135] Fletchers || house, as Richard Bryan and Joseph Waters now affirmed, and Mr. Fenn denyed not, wch information he thought himselfe bound by the law to giue in, and therefore expects the benefit of the law thereby. The quantitie is still found to be the same as was before spoken of, that is, fiftene anchors of liquors and three pipes of wine and six pipes of wine, nine in all, onely it was now said, and Samuell Cooley affirmed, that some of that wine was neuer landed at Milford, but drawne out aboard y^e vessell into smaller caske and sent to Vergenia. William East was not present, but Edward Camp on his behalfe said that at that time no body was appointed at Milford to receive the customs, and none called for it and he forgot. He was told his saying he forgot excuseth him not, and if none were appointed he should haue gone to the magistrate or treasurer and informed and made entry, wch might haue showed he intended not to defraude, and he cannot plead ignoranc because himselfe hath saide that he hath formerly bine carefull to paye customs, wch implies that he was not so carefull now. The buisnes being thus farr debated, was left at present and no sentenc concluded therein.

The like case concerning James Roggers, in question at the same time, was now called vpon, but none was here to answer, and Mr. Fenn informed that there is tenn or twelue pound in Ensigne Bryans hand, w^{ch} is securitie for him till it may appeare what the sentence of the court is, w^{ch} will also be lyable to answer the same.

Some question concerning Henry Tomlinson w^{ch} did keepe the ordinarie at Milford, aboute his not giueing in a just account for wine and stronge liquour he hath drawne, w^{ch} was vnder consideration by the court of magistrats in June last, was now further inquired into, and Mr. Fenn who was then desired by the court to looke after that buisnes, presented an acc^ot farr exceeding what the said Hen: Tomlinson had giuen in, w^{ch} was then but eight anchors, but now by the account ther appeares to be thirty one anchors & a halfe of liquours, y^e 8 anchors giuen in before included, and foure pipes & one quarter of sack, and seuen hogsheads of white wine and claret, part of w^{ch} it seemes he hath since owned to be due from him because he hath paide to the treasurer, as he hath giuen it vnder his hand, twelue pound for excise of wine and liquours, but the whole some of the quantitie before mentioned, at 6^s 8^d an anchor for liquours, and forty shillings a pipe for wine, is twenty six pound, beside the forfeiture according to the law, seeing he gaue it not in according to order, and had it not bine inquired after, it is likely the jurisdiction had bine defrauded of it. Henry Tomlinson said that after he was gone from Milford, he desired Mr. Bryan to paye it, and left estate in his hand to doe it, and 12^l was pd and he thought it had satisfied. He was asked if he gaue the account in vncalled for, or rather when he heard it would be questioned and saw the danger like to come then gaue it in; he said he remembers not that any spake to him aboute it, but Mr. Fenn said that Ensigne Bryan told him that Tomlinson gaue in no account to him, nor any ord^r to paye the forementioned some, but he ventured to paye it and questioned not but he would paye him againe. Tomlinson said that Ensign Bryan could cleere it, and therevpon was told, that seeing ensigne is not here, the court will respite the sentence, provided that he put in securitie

to attend this court vpon due warning to answer this matter in question, w^{ch} he said he would indeauour to doe, and Jeremiah Osborne now before the court ingageth himselfe and estate to the valew of fifty pound, that Hen: Tomlinson vpon due notice giuen shall attend this court to answer in this case vnder consideration.

Thomas Hopewell, an Indian that inhabits at Brandford, was complained of for giueing rayling, threatening words to [186] seuerall psons, as John || Whitehead, Francis Bradley, Samuell Ward, Josias Ward, and goodwife Williams and her sonn, saying he would knock some of them ith' head, stab some of them at the heart, meete wth them in the woods, or one time or other, and then let them looke to it, he hath also accused to goodw: Williams, Francis Bradely for being naught wth his wife, and after denied it againe, but being examined and seuerall writings read by way of testimoney, witnessing his miscariages, he could show no just cause for such words or cariage, but said he had no witnes here to cleere him, wherevpon he had libertie to send for them, and he was told vpon securitie he might haue his libertie, but fayling of that he was comitted to prison in the meane time. After a conuenient season of wayting he was called before the court againe, but no witness appeared to cleere him, onely he accused the wife of Richard Harrison for giueing him some ill words, w^{ch} he requited wth worss, both which the court witnessed against, and told him that if he can cleere himselfe of all or any of these charges he hath libertie, at last he confessed that he had done fooleishly and said he was faulty in the pticulers mentioned, and promised amendment, wherevpon M^r. Crane, John Whitehead, Fran. Bradley and Richard Harrison, who were present, declared themselues satisfyed so farr as to make a tryall for a time, and the court told Thomas the Indian, that the miscariages are very great and such as may not be borne, and had it bine an English-man he would haue bine witnessed against in another manner, but vpon his confession and promise to walke inoffensively hereafter, the court will spare him and also make a tryall for this time, and so vpon his payeing his

fees for imprisonment, & other charges if it be required, he may haue his libertie.

John Beard and his wife Hannah, w^{ch} was formerly the wife of John Vffoote, was called before the court, and she was told that the court hath heard sunderie reports of her ill cariage, wth w^{ch} they are much vnsatisfyed, and p^ticulerly that she did not cary herselfe as a wife towards Jn^o Vffoote when she stood in that relation to him, but hath w^hdrowne that loue and respect w^{ch} she ought to haue showed, and hath showed more familiaritie and content in y^e company of others then was meete and comely for one in that relation. It is reported that vpon marriage day to Jn^o Vffoote, she should say that she was resolu^d to keepe herselfe a maide for one yeare, and there be more then one that say that John Woods reported this, that his wife then liuing at Milford heard her say so. Hannah Beard said that she remembers it not.

FIT T

John Vffoote who in this case complained as haueing bin wronged by her, presented some testimonies to the court, w^{ch} were read, wherein M^{rs}. Ferman, Elizabeth Hinde y^e wife of Tho: Hinde, and Isabell Langden the wife of Tho: Langden, doe joyntly and seuerally affirme that they heard goodwife Beard say when she was Jn^o Vffoots wife, when a fast was kept at old Vffoots house, I did not fast, but filled my belly as full as I could, and when they prayde one way I prayde another way. This Hannah Beard acknowledged was true, and said it was her great sinn for w^{ch} she is sorey; she was told it is a high pvokation of God, and that w^{ch} sheweth a prophane spirit in her, beside the discouery of her spirit in refferrenc to John Vffoote who was then her husband. This fast was kept [187] to seeke God to fitt him for his duty toward her, || but it seemes she had no desire that should be obtayned, but rather that he might continew vnable still, (if it were so,) that she might thereby wringe herself from him, for when they prayd God to fitt him, she praide otherwise.

Thomas Hinde, his wife, and goodw: Langden doe testifye they heard the said Hannah Beard say, that if she was p^ted from John Vffoote, she would quickly be married againe, and also that they heard her say at another time, when she was

Jn^o Vffoots wife, that John Vffoots was a ~~foole~~ and she could make him say what she listed. These things were fully proued, and she denied them not, and was told that the carriages doe show that she had no wife like affection to John Vffoots, w^h might make him say as he did; and John Vffoots now said that she told him if he would confesse himselfe insufficient, she would liue w^h him halfe a yeare longer, and in that time he hoped it might appeare otherwise, whereby he was drawne to say as he did, but it was his great sinn, but y^e said Hannah denied that euer she said so to him. Another writing from M^{rs}. Ferman was read, wherein it is testified that she heard goodw: Beard say, when she was John Vffoots wife, that it is a pittious case that she must liue w^h one that she did neuer loue. The court told her that they haue heard of some vnsuitable carriage w^h other men, and in pticuler one that Mr. Hudson can speake to, who was called, and affirmed that while this woman was Jn^o Vffoots wife, he being occasionally at Milford in the winter time, some snow being newly fallen, and he not very well, wanted a horss to come home, he mett w^h a sea-man, whose name he desirs to conceale, that told him that he could help him to one, and he had him to John Vffoots; they went into the house and this young man asked for his wife, he said she was not at home, she was gone to Newhaven, they sat downe a while and tooke a pipe of tobacco, and in that time she came home and there was such mutuall familiaritie betwixt this sea-man and her as he thought was vnseemely and he was troubled at it; the man was knowne to be loose and vayne in his life and conversation, and his cariage a greife to his relations, but she called him brother, and he called her sister, and there was some whispering betwixt them, holding their faces neere together, manifesting much intimacy, and when they were come forth he asked him how they came so familiar, he said he vsed to frequent the house, but the magistrate heard of it and threatened him, and then he durst goe no more, but then they improued y^e night season, and went into the meeting house and discoursed together. Goodw: Beard was asked what she said to this, she owned what was said was true, onely that aboute the meeting

house she denyed, but said that the generallitie of her carriage hath bine vnsuitable for a wife, yet she had bine no hinderanc to him in way of conjugall duty, wherevpon some other testimonies were read, formerly taken by Capt. Astwood, brought then to cleere his sufficiency and her refusall, for y^e first Obed Soward, Francis French and some other affirme, the pticulers whereof modesty suffers not to mention, but y^e summ is that it shoves an appearanc of his sufficiency before marriage, for the second, viz^t, her refusall, Thom: Langden vpon oath affirmeth, that lying at goodman Vffoots one night in the chamber ouer y^e roome where Jn^o Vffoote & his wife lay, he heard them discourse together and heard her say, if he would not let her alone, she would goe out of y^e bed and lye in y^e floore, after he spake to her of it, she owned y^e words, but gaue this as the reason, that her husband would not let her [138] haue any cloathes to couer || her. This was the night after the day of humiliation had bine at goodman Vffoots.

Edward Camp now in court affirmed, that he lay one night at goodman Vffoots, in the chamber ouer the roome where John Vffoote and his wife lay, and when they were in bed he heard say plainly, stand away, let me alone; some body laye wth him whom he asked the reason of this disturbanc, and he said alas that was nothing to what they sometime haue.

Mr. Fenn said that he hath heard that sometime ther hath bine such disturbance as the old man hath bine faine to rise out of his bed and call to y^m, and wish his daughter to attend advice.

Goodwife Beard was told that these things doe make it probable that she hath willfully refused to doe her duty to her husband, but she would not owne it. Mr. Hawley, brother to y^e said Hannah Beard, now informed the court, that M^{rs}. Astwood told him, that her husband Capt. Astwood told her, that Jn^o Vffoote hath said ther was no blame one her part; w^{ch} is no maruell if he should, seeing she hath said he was a foole and she could make him say what she lists.

Richard Baldwine, being desired by her and her brother, had libertie to speake, and informed that she yeilds herselfe guilty of much euill and of many vnworthey and vnsuitable

cariages for one in such estate as she was, (and feares she may be culpable of punishm^t thereby,) specially before the courts counsell to her, but after she yeilded her-selfe and sought help from him, but Rogger Terrill who spake for old Vffoote said that the night after the courts admonition, she refused and run out of bed. Mr. Fenn said old Goodman Vffoote spake to the same purpose, and Thomas Langdens testimony lookes that way, being the night after y^e humiliation, and for her seeking help of him, Jn^o Vffoote saith that one time she spake something that way, but it was in scorne.

The Court hauing heard these seuerall passages, tooke the matter into serious consideration, and doe conceiue that the former deuource, in respect of them w^{ch} procuried it, seemes to be a horrible sinn, and goodwife Beard hath cause to lay it sadly to heart, for the scope of the prooffe seemes to runn that way as if she did refuse her duty and befooled him and drawne him to say what she listed, to force herselfe out of his hand. And were the thing fully proued, it could be no less then death, for he that puts away his wife, except it be for fornication, and marries another, comitts adultery, and the same law is in case of y^e woman. But vpon the prooffe as it is, the court doth iudge that it deserues to be punished both wth fine and corporall punishment, but considering of Hannah Beard as a wife and subject to some weakness, w^{ch} the court would not increase, therefore they shall pass it wth a fine, and seeing she did receive of Jn^o Vffoote formerly thirty pound for wrong done by him to her, w^{ch} now appeares otherwise, that she therefore repaye him that thirty pound back againe, and for the charge and trouble the jurisdiction hath bine at in this buisnes, that she pay ten pound as a fine to y^e jurisdiction, and that she make a full acknowledgm^t, both here and at Milford, of her miscariages as it hath now appeared, and if after any further fact be proued, the court must take the matter into consideration againe and possibly come to another sentence. Goody Beard now before the court and many witnesses owned her sinn and acknowledged herselfe guilty of these miscariages as hath bine related.

[139] || Mr. Hudson informed the court that vpon some

damages suffered by John Charles in his boate, Henry Glouer & himselfe attached some goods of the said Charles his, in y^e hand of John Youngs of Southhold, w^{ch} is now brought to New-hauen, w^{ch} is as is found vpon tryall, eight pound ten shillings two pence in wampom, and 5 yards $\frac{3}{4}$ of trucking cloth, course and braided, w^{ch} he desires they may haue order to dispose of; wherevpon the court ordered that vpon their putting in securitie, that if Jⁿ^o Charles or any for him appeare and show cause to the contrary they will be answerable for it, they may haue it, w^{ch} securitie he promised should be giuen in.

AT A COURT OF ELECTIONS HELD AT NEWHAUEN FOR THE JURISDICTION, y^e 27th OF y^e 3^d M^o, 1657.

Theophilus Eaton, Esq^r, chosen Gouverno^r.

Mr. Stephen Goodyeare, is cho: Dept: Gouverno^r.

Francis Newman,
Mr. Benjamin Fenn, } cho: Magistrats.
Mr. William Leete,

The Gouverno^r and Mr. Leete are chosen Co^mmission^rs, Francis Newman a 3^d man, in case any of the other should be hindered by Gods prouidenc.

Frances Newman chosen Secretarie.

Mr. Wakeman chosen Treasurer.

Thomas Kimberley chosen Marshall.

AT A GENERALL COURT HELD AT NEWHAUEN FOR Y^e JURISDICTION, THE 27th OF THE THIRD MONETH, 1657.

PRESENT.

Magistrats.

The Gouverno^r,
Mr. Goodyeare,
Francis Newman,
Mr. Leete,
Mr. Fenn,

Deputies.

Mr. Wakeman, }
Mr. Gibbard, } Newhauen.
Thomas Welch, }
William Fowler, } Milford.

Mr. Chittendine, }
 George Hubbard, } Guilford.
 Richard Law, }
 Fran: Bell, } for Stamford.
 Leiutt Bud, onely for Southold.
 Mr. Crane, }
 Leiutent Swaine, } Brandford.

A question was brought before the court concerning some fence in differenc betwixt Thomas Buckingham and widdow Plum of Milford, aboute their home lotts, w^{ch} was debated and in the issue Thomas Buckingham declared y^t he would maintayne halfe the fenc in that line betwixt their lotts, be it more or less, and for the outside fenc, he will make and maintayne it so farr as he sees it may be for his conveniency, and Richard Baldwin, who appeared for his sister y^e widdow Plum, [140] promised that what || old fence were of hers on the outside should not be taken away, but she was to be at no further charge aboute it for the future, wth w^{ch} agreem^t the court were satisfyed and desired them to liue in peace and loue, as neighbours ought to doe.

It was propounded that the price of strong water might be raised to foure shillings a quart, because those that drawe it complaine that they cannot make themselues moderate gainers at 3^s 6^d, there beeing not much aboute eight gallons to be drawne out of an anchor, w^{ch} costs them sometime fve pound. The court considered of what was propounded, but saw no cause to alter or raise the price, but did now order, that if any man shall sell any caske of liquors in this jurisdiction for an anchor w^{ch} conteynes less then tenn gallons, he shall paye double the valew of whatsoeuer is wanting, w^{ch} shall goe to him that should haue bine deceived thereby. And for small measures, as quarters of pints, if they w^{ch} are alowed to drawe doe sell that after the rate of foure shift a quart it shall be accounted no offence, because by drawing such small quantities there is much wast.

Richard Baldwin propounded that he might hire of the jurisdiction the customs and excise of such wines and strong liquors as he should drawe and sell by retayle, and offered fve pound a yeare for it, but the court told him that they

should not let it so, for it came to neere fifteene pound last yeare, but if he thought good to giue ten pound for this yeare ensuing he should haue it, w^{ch} he tooke time to consider of and then returned answer that he would so take it.

A complainte was brought from Stamford of the excessive price of shooes and boots there, and some instances were giuen, as six shillings for a paire of shooes of the tenns, and thirty shillings for a paire of bootes, as good as w^{ch} may be bought here for twenty shillings, w^{ch} the court thought was great oppression and that some course should be taken aboute it; and therefore did now order, that those shooemakers be informed that if betwixt this and y^e court of magistrats in October next they doe not giue satisfaction for what they haue done amiss y^e time past, and reforme for time to come, that then they attend the sd court, and come prepared to answer their miscarriages herein, and that those offended or wronged in y^e towne, &c. come prepared to charge and proue.

Old Mr. Swaine, Mr. Crane, Samuell Swaine and Lawranc Ward were chosen deputies for Brandford for the yeare ensuing, and haue y^e same power comitted to them as they had y^e last yeare.

Richard Law, John Waterbery and George Slawson were chosen deputies for Stamford for the yeare ensuing, and haue y^e same power as the deputies there had formerly, as expressed May 54, fo: 62.

Mr. William Wells and Leiutennant Jn^o Bud were chosen constables for Southold for the yeare ensuing, and haue the same power as the constables there had the last yeare.

And for the ease of the deputies and constables at Stamford and Southold, it is ordered, that a marshall be chosen in each towne from yeare to yeare, to be helpfull to such officers in such worke as is suitable to him, in w^{ch} choise the court adviseth that things be so caried as one man may not be allway burdened and others freed, vnless the towne shall see cause to giue them a just alowanc for the same, and if any man so chosen shall refuse to execute y^e said marshall place, he shall paye such fine as this gen: court shall see cause.

[141] || The deputies of Stamford presented a papr to the

court, wherein is declared the ingagment of the inhabitants of Greenwich to submitt to this jurisdiction, w^{ch} is as followeth,

At Greenwich y^e 6th of October, 1656.

Wee the inhabitants of Greenwich whose names are vnder written, doe from this day forward freely yeild ourselues, place and estate, to the gouernment of Newhauen, subjecting ourselues to the order and dispose of that generall court, both in respect of relation & gouernment, promising to yeild due subjection vnto the lawfull authoritie and wholesome lawes of the jurisdiction aforesaid, to witt of Newhauen, &c.

Angell Husted,	Peter Ferris,
Lawranc Turner,	Joseph Ferris,
John Austin,	Jonathan Reanolds,
Richard Crab,	Hanc Peterson,
Thomas Steedwell,	Henry Nicholson,
Henry Accorley,	Jan, a Duchman, co ^m only called Varllier.

And they are to fall in wth Stamford, and be acc^oted a part thereof, and from y^e time of their submission they are freed from rates for one whole yeare.

A petition was presented from Jeremiah Jagger of Stamford, wherein he desires the court to release him of his bond wherin he stands bound to the jurisdiction for his good behaiour, and to remitt his fine then laid vpon him (as himselfe confesseth) justly for his miscariage. The court considered y^e motion and vpon inquirie vnderstood from the deputies of Stamford that his cariage hath bine orderly and to their satisfaction, wherevpon the court did release him from his said bond, but for his fine they shall at present forbear it, but not wholely take it off.

Abraham Frost, who at present liues aboute Stamford or Greenwich, presented a petition to the court desiring some releife from them because he is very poore, haueing lost all by the Indians aboute a yeare and a halfe agoe, his wife and children taken captives but after brought to this jurisdiction, where they haue lived sine in a poore and meane way. The court considered the case and ordered that ten bushell of Indian corne, or the valew thereof in other corne, be pd to him from Stamford, w^{ch} to be alowed them in their rates.

Wheras it is expressed in the law that forty shillings a but or pipe shall be paie to the jurisdiction for all wines retayled,

the court thinkes that French wines should paye a less quantitie, and therefore did now order, that but ten shillings a hogshhead shall be paide for all French wines retayled, and so for greater or lesser quantities in proportion.

It is ordered that those that are appointed in each towne to receive the custom and excise of wines and strong liquors, shall haue 12^d for euery twenty shillings w^{ch} they receive and pay to the jurisdiction, for their care and paines therein.

From Stamford it was informed that it is very inconvenient for them to be tyed to appeare at this court of magistrats in May, vpon the second day by one aclock, and therefore the desire that the appearance of any from their towne, when they haue occasion, may be vpon the third day at one aclock, w^{ch} was granted.

The conclusions of the co^mission^rs, at their last meeting at Plymouth, were now read, wherein sundrie things are [142] co^mended to || be considered by this court, w^{ch} accordingly were done, and therevpon the court haue agreed to desire Mr. Dauenport, Mr. Higginson and Mr. Peirson, to gather vp the most remarkeable passages of Gods providenc w^{ch} hath bine obseruable in these parts since their first beginnings, w^{ch} may be a help toward the compyling of a history of the gracious providences of God to New-England, w^{ch} the co^mission^rs desire may be attended to.

It is ordered that no Quaker, Ranter, or other Herritick of that nature, be suffered to come into, nor abide in this jurisdiction, and if any such rise vp amonge ourselues that they be speedily suppressed and securied, for the better prevention of such dangerous errours.

It is ordered that no horss, mare, or any of that kinde, be sould to any Indian or Indians, nor any boats or vessels, cannoes excepted, or any tackleing belonging to, or suitable for the same, vnder the penaltie (in both cases) of fieve times the valew of what shall be so sould.

It is ordered that if any sea-man, or other, bring any pson into any towne or plantation in this jurisdiction, wthout leaue, and that the place accepts not of them to inhabite there, they

shall be forced to cary them away againe, that the plantation be not troubled or charged wth them.

Leiutennant Bud informed that there are some poore people, aboute twelue in number, come into their plantation from y^e Island, where they haue suffered much hardship, and they cary it orderly and well, but are in great want, their towne hath bine at some charge wth them and doe desire the jurisdiction to be helpfull to them in this time of their neede. The court considered of it and ordered that fife pound be alowed to them in corne or otherwise, as may suit their neede, to be pd by Southold and set of in their rates.

According to an order formerly made, it is now againe agreed and desired, that the accounts of the jurisdiction may be kept vpon record, in a booke for that purpose, and that the entry may beginne in y^e yeare 1652, and so forward from yeare to yeare, for w^{ch} a just recompenc shall be alowed to y^e secretary or any other imployed to doe the worke.*

A petition from Jn^o Mead was presented, desiring the court to remitt the fine of tenn pound laid vpon him for his miscariage last yeare. Also a petition from William Mead, on behalfe of John Richardson, that a fine of ten pound laide vpon him for his wiues miscariages may be abated. The court considered of both, and agreed that halfe of each shall be abated, prouided that the other halfe be forthwth paide, otherwise the court will consider of it againe.

What conclusions of the comission's are yet to be recorded shall be entred in one of y^e new bookes that came last yeare from England.

It was inquired how the order made last yeare aboute horssees for troopers, and doggs, and prouissions for the military company haue bine attended in each towne, but all the plantations were found defective except New-hauen and Mil-

* The accounts of the jurisdiction, "as they were giuen in by Francis Newman, treasurer, from y^e latter end of the 3^d m^o, 1652, till y^e beginning of the 4th m^o, 1653," are recorded in a thin, parchment covered volume, which also contains other records of various dates and of a very miscellaneous character, among others the "deeds & other writings recorded at the desire of Mrs. Bathshua Davids, [Dixwell,] & the allowance of the county court." It is believed that these are all the jurisdiction accounts now extant.

ford, wherevpon they declared that they thought it just that the fine of five pound ordered in that case should be paid by every plantation y^t hath not attended order therein, but no vote could be obtained in the case.

[143] || That order in the printed booke of lawes concerning the proportion of bullits or shott w^{ch} every souldior should be furnished wth, was thought defective, and therefore whereas mention is made of 24 bullits fitt for the gunn, the court declared that where their shott is in bullits, if it be not muskit bullits but their gunn smaller and bullits suitable, then they shall have the weight of foure and twenty muskits bullits in the same.

In the law concerning farmes, it is expressed that all farmers that live about two myle from the towne shall *the* freed from trayning, except twice a yeare; the court now orders that one man in each farme be freed, but the rest to trayne as others doe, and they also that are so freed to trayne twice a yeare at such time as y^e millitarie officers shall appointe, but all of them to be furnished wth compleate armes, po^r, &c.

The Court vnderstanding that some Indians have got sider and made themselues drunke wth the same, did order that no sider be sold to any Indian, otherwise then strong liquors may be sold, & vnder y^e same penaltie.

Concerning some farmes neere Southold, at a place called Hashamamock, aboute whome Barnabas Horton, one of y^e constables last yeare, hath written to know whether they be of y^e jurisdiction or no, the court declared that they that liued ther formerly submitted themselues to y^e jurisdiction and they desire these may also, and be as a pt of Southold, and attend orders, and receiue ptection as other planters doe, but if termes are to be propounded, as Leiutent. Bud informed, then those conditions must be vnderstood before an answer can be fully giuen.

It was propounded that the court would thinke of some way to further the setting vp of schooles, for the education of youth in each plantation, for though some doe take care that way, yet some others neglect it, w^{ch} the court tooke into consideration, and seeing that Newhauen hath pvided that a schoole

master be maintayned at the townes charge, and Milford hath made prouission in a comfortable way, they desire y^e other townes would follow their example, and therfore did now order, that in euery plantation where a schoole is not allready set vp and maintayned, forthwth indeauours shall be vsed that a schoole master be procuried that may attend that worke, and what sallary shall be alowed vnto such schoole-master for his paines, one third part shall be pd by the towne in generall as other rates, the good education of children being of publique concernm^t, and the other two thirds by them who haue the benifite thereof by y^e teaching of their children.

The charge of three men imprisoned last yeare vpon suspicion of stealing some wampom from Barnabas Horton, w^{ch} came to fiteene shillings, is to be pd to the marshall by the treasurer, and y^e same is to be received againe of Major Masson in account, who was written too to stopp so much of their wages, w^{ch} was due to them for their seruice wth Capt. Youngs in the colonies occasions.

It is ordered that all rates and fines and other accounts due from each plantation be made vp euery yeare before the court of election, that so the treasurer may haue time before y^e gen: court sitts to make vp his accounts fitt to be audited by the deputies.

The Court was informed that the stock of po^r for the jurisdiction is verry short and had need to be supplied, wherfore it is now ordered that the barrell of po^r oweing by Mr. Goodyeare be called for speedily, and that the treasurer vse the best meanes he can by the first opprtunitie to procure two barrells more.

It was propounded from Milford that the court would take [144] some || course that the keepeing of such multitude of hoggs may be prevented, but at present nothing concluded in it.

Some lead in the hand of one ^ at Milford was to be bought, if it may be had at a moderate price, for the jurisdiction, if not, he may sell it as he can, but not to cary it forth of y^e colony.

It is ordered that a rate of two hundered pound shall be

leuyed from the seuerall plantations in this jurisdiction, in due and equall proportions, according to their estates, w^{ch} is to be paide to the treasurer at Newhauen, the one halfe by the beginning of October next, and the other halfe by the latter end of March following, halfe of it in money, or beauour at currant price, or in good merchantable corne, w^{ch} is to be wheat and pease, or a third wheat, a third rie and a third pease, at fve shillings p bushel wheat, and foure shillings p bushel pease and rie, and the other halfe in corne or flesh, as ordered last yeare, or other paye as may satisfye the treasurer and answer the jurisdictions occasions. And whereas objection is made by some that corne at this price is too deare, the court agreed to leaue it wth the treasurer, that where he sees cause to abate, and so necessarie loss comes, he may put it to account and it shall be alowed. The proportion of each plantation is as followeth,

From Newhauen	— 72: 16 – 09.
From Milford	— 45: 12: 04.
From Guilford	— 27: 05 – 07.
From Stamford	— 24 – 02 – 07.
From Southold,	— 15 – 18 – 11.
From Brandford,	— 14 – 08 – 10.

200 00 – 00.

What sallaries were giuen to the gouernor, secretarie and marshall the last yeare is to be pd to them this ensuing yeare also.

The buisnes concerning Paugaset, w^{ch} hath formerly bine vnder consideration, was now againe reuiued, and Richard Baldwin informed that those w^{ch} haue interest in Paugaset haue propounded some termes to Milford vpon w^{ch} they would willingly submitt themselues to the jurisdiction and be as a part of Milford, at least till it is thought fitt that they should be a village of themselues, but they haue not bine accepted. The court desired to know what those conditions were, w^{ch} he gaue in writing, w^{ch} the court considered of, and thought them reasonable, wth something added w^{ch} they acquainted him wth, and to w^{ch} for himselfe and the rest he

consented, and therefore vpon the termes hereafter expressed, they desire Milford and they may joyne in a loueing way, but if Milford refuse, it is like Newhaven will accept them.

1. First, that they haue libertie to buy the Indians land behinde them that is ouer Naugatuck Riuer and not toward Newhauen bounds, and also aboute them northward vp into the cuntrye.

2. Secondly, that according to the number of psons ther interessed, they shall beare their equall share of men which shall be pressed to any publique seruice.

3. Thirdly, that they be free from all such rates w^{ch} pticularly concerne the towne of Milford, payeing the jurisdiction rates, and to the maintaynanc of the ministrie at Milford so long as they inioye the same, and a share toward the magistrate when Milford shall agree vpon any allowanc to that end, and their part of common charges aboute the meeting house [145] for the future while || they stand a pt of Milford, and to beare their share toward the killing of woulues and foxes, and if there be any other questions hereafter w^{ch} is not now thought of and determind, it shall be considered and issued by this generall court, as also how long they shall continew a pt of Milford or Newhaven, and when it is fitt they should be a village of themselues.

The bounds of their land wth refferrenc to Milford is agreed, that toward Milford, betwixt their purchase and a brooke now called Steepe-hill brooke, running into Paugaset Riuer, a deuission be equally made runing a line eastward, the one halfe, next Milford, to lye to Milford co^mon, and the other halfe, next their purchase, to goe to them for common; also to runn a line from their purchase, thereaboute where their houses stand, cross to the line betwixt Newhaven and Milford where it is conceived it will meete with Paugaset path, or thereaboute, and then deuide it in the midle north and south, and leaue that part to Milford co^mon next Newhaven line, and that part to Paugaset that is next them. Freedome from rates for some cattell for a time was propounded, but not granted at present.

AT A COURT OF MAGISTRATS HELD AT NEWHAUEN 30th 4th
M^o, 1657.

PRESENT,

Theophilus Eaton, Esq^r, Gou^r.

Mr. Stephen Goodyear, Dept: Gou^r.

Francis Newman,
Mr. Benja: Fenn, } Magistrats.
Mr. William Leete, }

Goodman Addams, a man that came to worke at the iron worke, who is in treaty of marriage wth widdow Bradfeild of Branford, whose husband dyed aboute two yeares agoe and left her wth two children and an estate amount. to some-what aboute ninety pound, as the inuentorie makes it appeare, for w^{ch} part belonging to y^e children he was required to put in securitie before marriage, but refused because y^e said estate is much wasted since it was prised, ptely by the fall of cattell, and ptely by other meanes, therefore he desired that the estate may be againe viewed and according to this last valewation the children might haue their pts. The court was slow to alter the former inuentorie, yet granted libertie for a review of the aprisement, w^{ch} when it is done shall be^duely considered, and hee shall be informed what may be done in y^e case, and till this be done hee promised not to proceede to marriage as he had thoughts to doe before; he was told vpon securitie giuen to stand to what the court shall doe in y^e case, he may marrie before, but he chose rather to forbear.

John Ferris was called before the court and charged wth the sinn of bestialitie, and for prooffe thereof a testimony of Henry Accerly, taken vpon oath, affirmed to the same before Jn^o Ferris.

[The testimony is omitted in publication.]

[146] The Court haueing seriously considered of this matter as it is presented, and haueing aduised wth y^e elders and receined their judgment in the case, did declare that it is a most abominable sinn, and by one witness proved to be the full act of bestialitie, and were there another witness or other

evidenc to confirme it, could be no less than death; his owne confession is that he attempted it and drew out his member to that purpose, though he saith his owne conscienc condemned y^e sinn as odiouss, and caused him to wthdraw, w^{ch} the court beleuees not, but thinkes he did or would haue proceeded further if the discouery made not preuented; but takeing it in the most spareing way according to his owne confession, that it may be an example of terrour to others, the sentence of the court is, that he be seuerly whipt here at Newhauen, and after, so soone as he may be fitt, againe whipt in y^e like manner at Stamford; that a halter be here put aboute his neck, w^{ch} he is allwayes to were vissibly, wthhout hideing or putting it off, and that at his perill, till this court see cause to alter it; that he paye twenty pound as a fine to y^e jurisdiction for the charge and trouble he hath put them to, this court beeing called on purpose to attend this buisnes; that he paye all charges here to the marshall and others, and at Milford and Stamford, to Henry Accerely, or any other pson, that neither the jurisdiction nor others may suffer loss by such leud persons; and that till he haue his second correction at Stamford, and this fine be payde or securitie given that both may be pformed and other charges defrayed, he remaine in safe custody as a prisoner at Stamford.

William Meaker entered an action of defamation against Thomas Mullenner, and declared that seuerall piggs of Thom: Muleners-dyed, it seemes in a strange way, and he thought them bewitched, and said if any more dyed he would vse somes meanes to make discourey, and he did cut of the tayle and eare of one and threw into the fire; his maide said he knew who he ment, goodman Meaker; he said he had heard something of him.

George Smith informed that himselfe is wrapt vp in the [147] same || case, and desires it may be considered, and that he hath also charged him wth milking of the heards cowes, w^{ch} is a great wrong to him.

Thomas Mullenner said he knew not of any piggs tayle or eare burnt, yet said it was a meanes vsed in England by some honest people to finde out witches, but if it was naught he

desired to see it, wherein hee seems to grant the thing hee denied, and M^{rs} Mullenner did owne that it may be the taylor or eare might be burned, but Robert Deny and Stephen Peirson, servants to Thomas Mullenner, both affirmed, that after some of the piggs had dyed in this strange manner, their master said that he feared they were bewitched, and if it went on he would trye what he could doe to finde it out, and when there was but one left, and that sick, he brought the pigg to the fire and cut off the eare and taylor and threw it into the fire, and after put the pigg vpon the fire till it was dead, and after he fell into discourse of this againe, and said that he feared some of his neighbours are not very good, and the maide said, she knew who he ment, goodman Meaker; hee said that he had heard something of him, and because he charged him wth breaking open his fence, therefore he hath done this to his piggs.

M^{rs} Mullenner said she heard her husband say so much as shewes that he thought the piggs were bewitched, but she heard him not charge W^{ith}m Meaker nor any other man wth it, and Thomas Mullener owned that it was so in his thoughts, and that he said if he liued amonge neighbours, or neere neighbours, he should thinke they were bewitched.

For that part of y^e charge concerning George Smithes milking the heards coves, it did appeare by the testimony of both his servants that he had spoken words to that purpose, for Geo. Smith early one morning fetching his owne coves out of Thomas Mullenners yard, where they had bine milked two nights before as straye coves, Mullener hearing y^e gate goe, turned out and saw him, and said, he will not leaue his old trade, and he is vpon his walke already, and one time seeing aboute thirty coves of the heard left behinde in the woods at night, hee said, if George Smith knew of them he would haue them before he slept. Many other debates passed, but in the issue what had passed at Newhaven court before, aboute vnrighteousnes in markeing and workeing other mens cattell, &c., were read, and vpon a due consideration of all together, this court declared, that they agree wth what Newhaven court then concluded, and therefore that he put in securitie for his

good behaviour for the future in these and the like cases, or remove himselfe to some other place. The takeing of w^{ch} securitie is referred to Newhaven court the third day of the next weeke, and also the issuing this matter betwixt Withm Meaker, Geo: Smith, and him. They p^{re}sented now, it is not his estate they seeke, but a reformation and the cleering of their names, in w^{ch} they have bine much wronged by him. Leutennt. Nash and Abraham Dowlittle now informed that they had heard these matters betwixt them, and if Thom: Mullener would but have come vp to any reasonable acknowledgm^t, even to y^e very suspecting himselfe in these cases, it might haue bine ended, but he would not.

[148] AT A COURT OF MAGISTRATS HELD AT NEW-HAVEN
FOR Y^e JURISDICTION, Y^e 21th OF THE 8th MONETH 1657.

PRESENT.

Theophilus Eaton, Esq^r, Gouverno^r.

Francis Newman,
Mr. Benjamin Fenn, } *Magistrats*.
Mr. William Leete,

William East of Milford was called before the court and told that there hath bine a buisnes long depending in court concerning him, aboute his not payeing custome for wine and strong liquour he hath brought in according to order; two courts allready it hath bine called vpon, and what passed then was now read, whereby it appeared that ther were nine pipes of wine and fiteene anchors of liquours, but now William East said that three of those pipes, and thirteene anchors of liquors he had given in and paide for, and two of the six pipes last brought were drawne out aboard into smaller vessels, not landed but sent to Vergenia. He was told none of it were giuen in nor paid for till after complainte was made, and therefore it saues not the forfeiture. Hee confessed he neglected his duty in not giueing in according to order, but he did not intend to deceaue or defraude the jurisdiction, but was told that must not be received for an answer in such cases.

The court haueing considered of what had before passed at two courts, wth what was now said on both sides, and being willing to show as much tendernes as they may justly in the case, did agree that for the liquoars and three pipes of wine w^{ch} were pd for, (though not seasonably,) yet they shall pass them by wthout forfeiture, and for the two pips he saith were drawne off aboard and sent away, yet it is vnderstood one of them was sould to Richard Bryan and not entered, and so might be required as forfeited also, but they pass that as the other, but for the foure pipes that were landed and sould, and no entry nor payement made, they cannot but declare, according to the law in that case, that they are forfeited, and being valewed at twenty pound a peece they come to foure score pound. The one halfe belongs and must be payde [149] to Richard Baldwin || the informer, and the other halfe to the jurisdiction, and that the attachment w^{ch} is vpon fifty pound of William East estate at Milford remaine still vpon it till the generall court in May next, this court being willing, vpon his desire, to forbear the jurisdictions part till then, and for Rich: Baldwins part, it was said he hath it in his hand allready.

William East said now, that five pipes of wine were brought in by Ensigne Bryan at the same time, w^{ch} were not entered no more then his, to cleere w^{ch} Ensigne Bryan was to be warn- ed to the next court of magistrats.

William East was told there is a sad fame spread abroad of his excessiue drinking and drunkenness, so that people as they goe in the street doe say, that Serjant East was drunke yesterday before ten a clock, and now he is drunke againe to day allready. Hee said he dares not say he is cleere, but is sorrey he hath giuen cause for such reports. He was told he hath now a blacke eye, and whether it came not by some such course he best knowes, of w^{ch} he said nothing to cleere himselfe, yet said he had some distemper w^{ch} fell into his eye. Some of Milford being present, as Richard Baldwin, William Fowler and Steuen Freman, were called to speake what they know or have heard in the case; but first Mr. Fenn, the magistrate, said that he thinks he hath bine twice dealt wth at Milford for drunkenness.



Richard Baldwin said, he could wish he had less to say in this matter, he hath heard from the Duch by a sufficient man, that his cariage ther was exceeding gross, that the Vergenia men and sea-men would scoff at him and reproach religion for his sake, saying, This is one of yo^r church members, but some answered, No, but he is not, for he is cast out for such courses; and for his cariage at Milford, he hath seene that w^{ch} hath bine a trouble to him, and hath warned him not to come to his house, observing that he sorted himselfe wth loose and vnsuitable company, and was giuen to drinke too much, and to be distempered thereby, and so farr as that others w^{ch} haue seene him haue judged what they have seene by him to be signes of drunkenness, and he hath heard others w^{ch} haue come from William Easts house, say, He is in a high streine, and he hath got a cup to much, and the last weeke he went to Chesnut Hill, and in his returning one mett him and saw his face bloody, and caried it so in words and gestures as the ptie that saw him thought him to be drunke.

William Fowler said he hath heard co^mon reports of his beeing drunke, but one morning goeing into the back-house, there came in some sea-men and they said, Serjant East was drunke yesterday and he is drunke againe to day allready, and that was aboute nine a clock in the morning.

Steven Freeman said it is co^monly reported that he is often distempered wth drinke, but for his pt he sees him but sel-dome, and so cannot speake of his owne knowledg.

William East was asked if he would haue the pties that haue spoken affirme what they haue said vpon oath, or rather, wheth^r it were not better, if he know himselfe guilty, to confess and not add this to his other sinns by causing them to [150] take an oath in || vayne. He desired not their oath, but confessed he had bine giuen to drinke too much too frequently, and it hath bine his great sinn, but he hopes they shall heare of it no more. The court told him they should be glad that it might be so, but for this miscariage, as it is proved and confessed, the sentenc of the court is, that he paye fise pound as a fine to the jurisdiction, and if hereafter he fall into the like sinn againe, he is to be set in the stockes



at Milford and to be bound ouer further to answer it at y^e next court of magistrats.

A buisnes depending aboute James Roggers, concerning three anchors of liquors, w^{ch} he brought in and sould and made no entrie or payem^t according to order, w^{ch} hath bine vnder consideration two courts before and respite giuen for him to cleere himselfe, w^{ch} he hath not done, nor did he, nor any for him, appeare now to doe it, wherfore the court declared, that the three anchors of liquors are forfeite, or the valew of them, and ten or twelve pound, w^{ch} is staied in Ensigne Bryans hand for securitie in the case, is to be paide, halfe to the jurisdiction treasurer for y^e jurisdictions occasions, and the other halfe to the informers, w^{ch} is betwixt Mr. Fenn, William Fowler, and Richard Baldwin, as they shall agree amonge themselues.

John Waterberey of Stamford desired advice of the court, his father in law and mother are both lately dead at Stamford, and hath left some small estate w^{ch} they gaue to him, as himselfe and his wife can testifye, and he now brought Henry Jackson of Fairfield who in writeing declared some thing as a ground why the estate should belong to him y^e said Jn^o Waterberey, w^{ch} writing he had againe; but by all he was told ther is not a full evidenc to cleere the estate to him, though it is likely none may haue more or so much right as he, therefore it were best that a true inuentorie be taken of the estate and he may be admitted administrator vpon securitie put in that right may be done, if any appeare, w^{thin} the time lymited by the order, w^{ch} can show a better tytyle then he can.

Joseph Mead of Stamford, who stood ingaged for a fine of ten pound for his sister the wife of Jn^o Richardson, and John Mead, who stood indebted for a fine of ten pound for himselfe, the halfe of w^{ch} in both cases the court in May last abated, and now they brought two cowes, w^{ch} they desire may be accepted in full satisfaction. The court told them that they came not to so much, for they were prised at Stamford but at eight pound tenn shillings, w^{ch} they owned, but in fauour to them they desired that the court would accept them and



acquitt the said fines; of w^{ch} the court considered, and agreed to doe it, and so they were discharged.

Isack Hall, Thomas Weeden, John Brookes, and Mary Hitchcock were called before the court, and the said Isack was charged with writeing a papr, publishing a marriage intended betwixt Edward Neale and Mary Hitchcocke, and the said Thomas set it vp vpon the meeting-house, wher such [151] things vseth to be sett, and || yet ther was no such thing, w^{ch} is the publishing of a lye, a high contempt of authoritie and an abuse of the generall courts order. They both confessed their miscariage, as they had done before at Newhaven court, and now petitioned for fauour to be showed to them. John Brookes was blamed that he suffered this to be written in his house in the night, and did not witness against it as he ought to haue done, and Mary Hitchcock knew of it yet acquainted not her master, nor tooke any other course to stopp it, she said she thought they would not haue set it vp; but both them were passed by wth a reproofe and warning to take heede of such cariages hereafter, but for Isack Hall and Thomas Weeden, the court ordered that they sitt in the stocks one houre, and that they make a publique acknowledgm^t of their miscariage in some towne meeting or otherwise, when called to it, and if hereafter they doe the like, they must expect more sharper dealing.

A buisnes aboute Henry Tomlinson w^{ch} hath bine long depending, concerning his drawing wine and strong liquors, when hee kept ordinarie at Milford, w^{thout} giueing account thereof according to order. What had passed formerly were read and he called, but Jeremiah Osborne, his securitie, said he was sick and could not come, but had appointed Serjant Fowler and himselfe to answer on his behalfe, and showed a writing under his hand for that purpose, and Serjant Fowler presented a papr w^{ch} he writ as Tomlinson informed him, showing what wine and liquors he had drawne at Milford, w^{ch} they rested not in, but by the account formerly giuen, ther was thirtie one anchors & a halfe of liquors, foure pipes and one quarter of sack, and seuen hoh of white wine and clarret; the excise of w^{ch} comes to six and twenty pound,

twelve pound of w^{ch} he hath paide, though not according to order, yet the court will not recall that againe, but for the rest, w^{ch} is foureteene pound, w^{ch} comes to y^e valew of seuen pipes of wine at forty shillings a pipe for drawing, is by the law forfeite, or the valew thereof, w^{ch} is at twenty pound a pipe one hundred and forty pound. w^{ch} the the court declared is due for Henry Tomlinson to paye, in pt of w^{ch} Jeremiah Osborne, his securitie in fifty pound bond, must paye the same w^{thout} delay, onely if he bring Henry Tomlinson in pson hither, it is like there may be some forbearanc, w^{ch} he promised to doe.

[Here the record ceases to be in the handwriting of Francis Newman, and what follows, to the middle of page [233.] is in that of William Gibbard.]

[152] AT A COURT OF ELECTIONS HELD AT NEWHAVEN FOR
THE JURISDICTION, THE 26th OF MAY 1658.

X Mr. Francis Newman chosen Gouverno^r, Mr. Will Leet chosen Deputy Gouverno^r, Mr. Mathew Gilbert chosen Magistrate for Newhaven. Mr. Beniamin Fenn chosen Magistrate for Milford, Mr. Jasper Crane chosen Magistrate for Brainford. The Gouverno^r & Deputy Gouverno^r were chosen Comissioners, Mr. Goodyear a third, & Mr. Gilbert a fourth, to supplie in case any providence of God should hinder the other or either of them. Mr. John Wakeman chosen Treasurer. W^m. Gibbard chosen Secretary. Tho: Kimberly chosen Marshall. All for y^e yeare ensuing.

AT A GEN: COURT HELD AT NEWHAVEN FOR Y^e JURISDICTION,
THE 26th OF MAY, 1658.

P^rSENT,

The Gouvernour,

Deputies.

Deputie Gouvernour,

Mr. Wakeman, }
W^m Gibbard, } Newhaven.

Mr. Gilbert, }

Mr. Fenn, }

Mr. Crane, }

Magistrates. Leiftenn^t Treat, }
Tho Welch, } Milford.

X GOODYEAR DE
GOODYEAR DE ENGLAND

Leiften Chittendon, }
Georg Hubbard, } Guilford.

Rich Law, }
Francis Bell, } Stamford.

Tho: More, }
Barnabas Horton, } Southold.

Leiftenn^t Swaine, }
Lawrenc Ward, } Brainford.

The Deputies p^resented their certificates, whereby it appeared y^t they were chosen to y^t trust, w^{ch} being read were approved.

Sargeant Richard Baldwin of Milford declared vnto y^e court y^t he was desired by Leiftenn^t Thomas Wheeler to propound his desires y^t y^e land lately purchased by him of the Indians, at or neare Paugasett, might be accepted as a part of this jurisdiction, vpon the same tearmes w^{ch} those other proprietours there were received, to w^{ch} y^e court answered y^t they doe incline to his motion, but desired first to speake wth Leiftenn^t Wheeler himself, before they give a full answer in the case.

It was propounded by some of the deputies to the consideration of the court, whether the prizes of some sorts of cattell, as they stand in the printed law, in refference to rates, be not now above what they are truly worth, w^{ch} being debated & considered, it was now ordered, that a beast of three yeere old be rated but at 3^{li} 10^s, cowes of 4 yeere old or aboue, but at 4^{li}, steares or bulls of 4 yeare old at 5^{li}, all oxen or bulls of 5 yeare old or aboue, at 6^{li}, accounting their severall ages as it is ordered in y^e printed law, but this alteration not to take place vntill y^e 3^d moneth 1659.

A petition of Withm East of Milford was p^resented & read, wherein he desired y^e abatem^t of a fine of 40^{li}, for w^{ch} he stands debto^r, by sentence of court to the jurisdiction, w^{ch} [153] being considered || it was by vote declared that they are contented so far to mittigate & moderate y^e former sentence, (w^{ch} he acknowledgeth iust,) that if 20^{li} be forthwith paid to y^e satisfaction of y^e treasurer, they forgive y^e rest.

The Court having information y^t not only they y^t are resident at Paugasett, but also some others yet liveing at Milford who are become proprietors there, do deny paym^t of rates for their cattell, both to y^e towne & jurisdiction, w^{ch} y^e court

takeing into consideration declared, that such as are dwellers at Milford are to pay rates for such cattell w^{ch} are for y^e most part there, both to y^e towne & jurisdiction, but for y^e cattell w^{ch} are for the most part at Paugasett, belonging to y^e settled inhabitants there, rates are to be paid to y^e jurisdiction onely, Leiftenn^t Treat & Ensigne Brian were desired to require a list of them and send it to y^e treasurer at Newhaven.

The customs & excise of wines & liquoures of the towne of Milford are let out to Ensigne Brian, at 20^{li} for y^e yeare ensuing. It was withall ordered y^t he farme it not out, nor any part of it to any other, & that what wines and liquours shall be found there when y^e yeare is expired shall be liable to pay customs & excise as in other places of y^e jurisdictiō, and y^t all forfeitures for non-entry shall remaine to y^e jurisdictiō & informer according to y^e printed law.

Mr. Atwater acquainted y^e court y^t he sustained 4^{li} damage in a pcell of beife sent into y^e Bay in a payment for y^e jurisdiction when he was their treasurer, w^{ch} he desired might be allowed him, w^{ch} y^e court haveing debated & considered saw not cause to allow to him vnder y^t consideration, but calling to minde y^e service he hath done in y^t office of treasurer, did order y^e treasurer to pay Mr. Atwater y^e some of 4^{li} by him mentioned.

The Deputies of Southold propounded y^e desires of their towne to repurchase of y^e jurisdiction a pcell of land called Mattatock and Akkabawke, w^{ch} y^e court considering, by vote declared, that they paying 7^{li} in good pay, y^e said land is theirs, w^{ch} was accepted by their deputies.

The Court calling to minde the good service done to this colony by o^r late honoured gouvernour, did order y^t a comely tombe, such as we are capable off, shall be made ouer his grave, and y^t y^e estate he left behind him shall be free from rates this yeare to y^e jurisdiction.

The pceedings of y^e court against Humphrey Norton, a Quaker, being read, was approued by y^e vote of this court.*

* Humphrey Norton, whom the court at Plymouth, Oct. 6, 1657, had banished, had been sent a prisoner from Southold and was brought before the plantation court of New Haven, Mr. Leete and Mr. Fenn being called in to assist, March 10th, 1657-8.

Leiftenn^t Chittendon & Leiftenn^t Treat were sent frō y^e court to desire of M^{rs} Eaton that she haveing taken to her y^e writeings proper to herself, that y^e gouernor, wth some others whō she should approue, might take a veiwe of the writeings remaining w^{ch} are of concernment to y^e jurisdiction, to w^{ch} motion she readily assented, w^{ch} writeings were comitted to y^e custody of y^e gouernour.

The Court ordered y^t y^e constables of Southold do require of the p^rsent inhabitants of Hashamommocke a list of their rateable estate as it was agreed betweene y^e towne of Southold & the former inhabitants, w^{ch} list shall be sent by y^e first opportunity to y^e treasurer at Newhaven.

By way of explanation of y^e law concerning impost vpon wines and liquours, the court declared y^t what wines or liquours are sould in any harbour wthin this jurisdiction shall be liable to pay custom as if they were sould on shore.

[154] || The Deputies of Newhaven were desired by the court to take order for the repaires that shall be found necessary to y^e prison for y^t part which concernes the jurisdiction.

The Court haveing information of some indirect pceedings by some psons in their branding of horses, as an addition to y^e printed law did order, that all horses & mares, both elder & younger, shall be sufficiently branded by the man appointed to y^t service by the plantations respectively, & y^t what pson

The charges against him were, "That he hath greiuously and in manyfold wise traduced, slandered, & reproached Mr. Youngs, pastour of the church at Southold, in his good name and the honnour due to him for his workes sake, together wth his ministrie, and all our ministers & ordinances.

"2. That he hath indeauoured to seduce the people from their due attendanc vpon the ministrie and the sound doctrins of our religion settled in this colonye.

3. "That he hath endeauoured to spread sundrie hereticall opinions, and that vnder expressions w^{ch} hold forth some degree of blasphemy, and to corrupt the minds of people therein.

"4. That he hath endeauoured to villifye or nullify the just authoritie of the magistracy and gouernment here settled.

"5. That in all these miscariages he hath endeauoured to disturbe the peace of this jurisdiction."

The trial is recorded at length in the N. H. Town Rec. ii. 235-8.

He was sentenced to be severely whipped, and branded on the hand with the letter H. for spreading his heretical opinions, to be excluded from the jurisdiction and not to return vpon penalty of the utmost censure the law will inflict, and for the trouble and charge he hath caused, to pay a fine of £10 to the jurisdiction.

or psons soever shall by himself, or any other besides the aforesd officer, brand or cause to be branded any horse, mare &c., he shall pay for euery default in so branding, 10^s as a fine, & shall further stand liable to answere y^e iust demānds of any other for any damages sustained by his irreguler act. It is further ordered as an addition to the last clause of the said law, that where y^e ground of any mans claime to any such horse or mare, or any of y^t kinde, as his owne, lieth rather in pbable circomstances then dew evidence, publication thereof shall be made three seuerall times, both in y^e plantation wherein he lives & y^e two next plantations, vpon three seuerall daies of the townes most generall meeting w^{ch} y^e time affords, y^t way may be open to other claimes.

The Court ordered y^t those w^{ch} are in publique trust for Stamford shall require of the inhabitants of Greenwich a list of their rateable estate & send it to the treasurer at Newhaven.

In answere to a motion made in y^e behalf of Jer: How, y^e court remitted to him a debt, about 26^s 8^d, dew for excise of liquours.

It is ordered that in euery plantation some fitt man shall be appointed to keep a record of all horses or mares, whether elder or younger, w^{ch} are either sould & delivered w^{thin}, or shipped out of this jurisdiction, w^{ch} being brought to y^e said officer, he shall take notice of the time when sould or shipped, wth y^e age, couler, naturall or artificiall marks of any such horse or mare, wth y^e name of the seller & buyer. It is further ordered y^t whosoever shall, by himself or any other, make such sale out of this jurisdiction, he shall w^{thin} six dayes after his returne home, or after intelligence received of such sale, make such entry as is before exprest, w^{ch} officer shall receive for his care & paines 4^d; but whosoever shall offend in refference to y^e p^rmises, shall for euery horse or mare, &c., so sould & delivered or ship'd & not entered, pay 5^{li} as a fine to the jurisdiction.

Richard Lawes, Francis Bell & John Waterbury were chosen deputies for Stamford for y^e yeare ensuing, who have y^e same power comitted to them which y^e deputies there had

May, 1654. Rich: Lawes & Francis Bell tooke y^e deputies oath, who are to administer the same to John Waterbury.

Tho. More, Barnabas Horton where chosen & sworne constables for Southold for y^e yeere ensuing, who have the same power comitted to them w^{ch} was given to y^e constables there y^e 30th of May, 1649.

Jō. Holly of Stamford, Barnabas Horton of Southold, Lawrence Ward of Brandford, Jō Fowler of Guilford, were chosen [155] by y^e court to receive || the customs & excise of wines & liquoures in y^e seuerall plantations wherein they live.

The Court ordered y^t 50^{li} sa^t shall be paid by y^e treasurer to the gouernour & 20^{li} to the deputy gouerno^r this yeare ensuing.

It was againe ppounded in refference to an order formerly made for the pvideing of horses with furniture fitted for service, by y^e seuerall plantations on y^e maine vnder a penalty of 5^{li}, y^t the said fine might be paid by such as had beene found vnder y^e breach of y^t order, vnto w^{ch} some answe^r was given by them y^t were not then pvided w^{ch} satisfied not, but no issue was put to it at this time.

By way of addition to y^e law of straies, it is ordered, that what person or psons soever wthin this jurisdiction shall take vp any stray horse or mare, or any of that kinde aboue 2 yeare old, (after excepted,) he shall wthin one moneth bring the said stray vnto y^e officer appointed in y^t plantation for branding of horses, who shall sett on y^e impression of y^e towne brand twice vpon y^e neare buttock, one aboue y^e other. It is further ordered y^t no colt vnder 2 yeare old shall at all be taken vp as a stray, & y^t such horses or mares as fall wthin y^e compass of y^e law of strays shall be but a fourth part vnto y^e finder.

Jonas Wood & Jonas Wood, both of Huntington on Longe Island, as agents for y^e inhabitants of y^e same, p^rsented to y^e court y^e desires of their towne to ioyne in combination wth this colony, to w^{ch} purpose they presented a w^riteinge subscribed by three of the inhabitants thereof, whereby it appeared y^t the said agents were authorized to treat of & to finish this business wth the court, y^e contence of w^{ch} writeing is as followeth,

**By the honoured court of magistrates & deputies
now sitting at Newhaven.**

May it please the honoured court as understood by a petition being made by one of the towne of Huntington at y^e court of commissioners sitting in Boston y^e last yeare, that y^e towne might be put under Newhaven government, & y^e towne being concerned as by y^e honoured commissioners there present, of towne of Huntington aforesd. in pursuance of their desires, have thought good to make their addresses to this honoured court by their deputies, viz. Jonas Wood (1st) & Jonas Wood (H.) for the settling of their proposed ends, having given unto them full power & authority to treat of & finish this business wth y^e court in their names, humbly desiring therein acceptance of vs. & further y^t you will be pleased, (considering y^e remoteness of y^e place, y^e great charges y^e such infant plantations are used to be attended with,) to condescend to such moderate propositions we have ordered them to cōtend to y^e court in o^r behalf, in hopes whereof we rest.

Will Smith.

Yours in all due observance,

Thor Benidick.

W^m Leuerich, in

17 of 34-58.

y^e name & with y^e
consent of y^e rest.

Which being read they were desired to give in, in writing, what they had to p^oound in y^e psuance of this business, wth accordingly they did in 5 propositions, 4 of which p^oer to y^e case in hand, w^{ch} were as followeth,

1. That y^e towne of Huntington may have liberty to deter-
[156] mine all civill || controuersies by such magistrates as they shall chuse & y^e honoured court may see cause to confirme, wth power to punish all criminall offences, except capitall, in all w^{ch} cases reserving liberty of appeals to the complainants vpon sufficient security given to y^e magistrates here at home.

2^d. That they may have a liberty to send to y^e gen^l court by way of proxys, vnles some vrgent & necessary occasions shall require deputies, & we have timely & seasonable notice thereof.

3^d. That we desire freedom frō y^e charge of warr, vnles what we shall occasion ourselues by craveng assistance frō you for o^r pay against Indians or otherwise.

4^d. That in reference to y^e great disbursements we have beene at in purchasing o^r plantation & lands at home vpon y^e north side, as well also for o^r meadows & land at y^e south,

besides other great disbursm^{ts} in other respects, we desire of this honoured court freedom frō rates for the space of 5 yeares.

Which propositions being considered by y^e court & debated wth y^e said agents, the court returned this answer, that they are willing to receive them vpon the same tearmes as Southold & other plantations in y^e jurisdiction were admitted, w^{ch} o^r booke of lawes declare, but to vary from that they were not willing, only in refference to y^e fourth proposition they would thus far condescend, y^t they shall be freed from payment of rates for two yeares, but for any longer time they would not engage, but it should remaine in y^e power of this court to determine as they shall see cause when they shall see y^e pvidences of God towards them.

Vnto w^{ch} answer of y^e court, y^e said agents replied, that for y^e p^rsent they saw not any thing wherein we were like to differ, except it were in refference to y^e^{re} first pposition, w^{ch} they would consider off & give in their answer, but no more was done at this time.

Whereas there is a cursed sect of heriticks lately risen vp in the world, w^{ch} are co^monly called Quakers, who take vpon them y^t they are imediatly sent of God & infallibly assisted by y^e spirit, who yet speake & write blasphemous opinions, dispise gouernment & y^e order of God in church & co^monwealth, speakeing evill of dignities, reproaching & revileing magistrates & ministers, seeking to turne y^e people from y^e faith & to gaine pselites to their pⁿitious wayes; this court takeing into serious consideration y^e p^rmisses, & to p^rvent (as much as in them lies) y^e like mischeife as by their meanes is wrought in o^r native country, doe hereby order & declare,

That whosoeuer shall hereafter bring or cause to be brought, directly or indirectly, any knowne Quaker or Quakers, or other blasphemous heriticks, into this jurisdiction, euery such pson shall forfeit the so^me of 50^{li} to the jurisdiction, except it appeare y^t he wanted true knowledg or information of their being such, & in y^t case he hath liberty to cleare himself by his oath, when sufficient proof to y^e contrary is wanting, and for default of payment or satisfying security, shall be co^mitted

to prison, there to remaine till y^e said some be satisfied to the jurisdiction treasurer, and the partie or parties so offending [157] shall further give in sufficient security to y^e gouerno^r || or any one or more of y^e magistrates, or to y^e deputies or constables in any plantation where there is no magistrate, to cary them back to the place whence he brought them, & vpon his or their refusall soe to doe, he or they shall be comitted to prison, there to continew till sufficient security be given to y^e content of y^e gouernour or any of y^e magistrates, or other authority in places where there is no magistrate, as aforesaid.

And it is hereby further ordered y^t what Quaker or Quakers soever shall come into this jurisdiction from foreigne parts or places adjacent, if it be about their civill lawfull occasions to be quickly dispatched among vs, w^{ch} time of stay shall be limited by y^e civill authority in each plantation, & y^t they shall not vse any meanes, by words, writeings, books, or any other way goe about to corrupt or seduce others, nor reuile or reproach, or any other way make disturbance or offend; They shall vpon their first arivall, or comeing in, appeare or be brought before y^e authority of y^e place, and from them have license to pass about & issue their lawfull occasions, & shall (for y^e better p^rvention of hurt to y^e people) have one or more to attend vpon them at their charge till such occasions of theirs be dispatched & they returned out of y^e jurisdiction, w^{ch} if they refuse to doe, they shall then be denied such free passage & comerce, & be caused to returne back againe; but if at this first time they shall offend, in any of y^e wayes as is before exprest, & contrary to y^e intent of this law, they shall be comitted to prison, seuerely whipt, kept to worke, & nō suffered to converse with them dureing their imprisonment, w^{ch} shall be no longer then necessity requires, & at their owne charge sent out of y^e jurisdiction.

And if after they have once suffered y^e law as before & shall p^rsume to come into this jurisdiction againe, euery such male Quaker shall for y^t seacond offence be branded o^o y^e hand wth y^e letter H, be comitted to prison & kept to worke till he can be sent away at his owne charge; and for a third offence shall be branded on y^e other hand, comitted to prison & kept to

worke as aforesd; and euery woman Quaker y^t hath suffered y^e law here, & shall p^rsume to come into this jurisdiction againe, shall be seuerely whipt, comitted to prison & kept to worke till she can be sent away at her owne charge, & so also for her comeing againe she shall be alike vsed as aforesd; & for euery Quaker, he or shee, y^t shall a fourth time herein againe offend, they shall have their tongues boared through wth a hott iron, comitted to prison, & kept at worke till they be sent away at their owne charge; and all & euery Quaker arising from among o^rselues, shall be dealt wth & suffer y^e like punishment as y^e law p^rvides against foreigne Quakers.

And it is further ordered that if any pson shall knowingly bring into this jurisdiction any Quakers bookes, papers or writeings concerning their diuellish oppinions, shall pay for euery such booke or writeing, being legally proued against him or them, y^e soune of 5^{li}; & whosoeuer shall disperse or conceale any such booke, pap or writeing, & shall not immediately deliver in y^e same to y^e magistrate in y^e place, or to y^e deputies or constables where there is no magistrate, & it be after found with him or her, or in his or her house, or otherwise fully proued y^t they had such booke or writeing in their custody, shall pay 5^{li} for y^e disp^sing or concealing of euery such booke or writeing; and when any such bookes or write-
[158] ings are brought || or come into y^e hands of any of y^e magistrates, deputies or constables in any plantation, they shall wth y^e advice & approbation of the minister of the place, keepe them in safe custody, that non may come to see & read them & soe receive hurt by them, w^{ch} this court leaves to their discretion to order, and being so kept they shall be brought to Newhaven & p^rsented to y^e next generall court, vnles they shall see cause to send them before, or y^t y^e gouerno^r & magistrates shall call for them vpon any occasion y^t may concerne y^e jurisdiction.

And if any pson or psons in this jurisdiction shall henceforth entertaine & conceale any such Quaker or Quakers, or other blasphemous heriticks, (knowing them soe to be,) euery such pson shall forfeit to y^e jurisdiction 20^s for euery houres entertainem^t & concealem^t of any Quaker or Quakers, &c., as

afforesaid, & shall be committed to prison till y^e forfeiture be fully paid or satisfying security given for y^e same.

And it is by this court further ordered, that if any pson wthin this colony shall take vpon them to defend y^e hereticall oppinions of y^e said Quakers, or any of the said bookes or papers aforesd, ex animo, or so as may corrupt y^e mindes of y^e weake hearers, (if legally proued,) shall be fined for y^e first time 40^s. If they shall psist in the same, & shall so againe defend it y^e second time 4^{li}. If still notwithstanding, they shall againe so defend & maintaine y^e sd Quakers hereticall oppinions, they shall be committed to prison, their to remaine till there be convenient passage for them to be sent away, being sentenced by y^e court of magistrates to banishment.

Lastly it is hereby ordered, that what pson or psons soever shall revile y^e office or pson of magistrates or ministers, as it is vsuall wth y^e Quakers, such pson or psons shall be seuerely whipt, or pay y^e some of 5^{li}.

It is ordered that a rate of one hundred pounds shall be leuied from the seuerall plantations wthin this jurisdiction in equall pportions according to their estates, w^{ch} is to be paid at the same times & in the same pay at the same prizes as was ordered the last yeare. The proportions of euery towne is as followeth,

Newhaven,	37 ^{li}	10 ^s	07 ^d
Milford,	22	04	08
Guilford,	13	12	06
Stamford,	11	02	09
Branford,	07	11	10
Southold,	07	17	08
	100	00	00

[159] AT A COURT OF MAGISTRATES HELD AT NEWHAVEN
FOR THE JURISDICTION, THE 31th OF MAY, 1658.

There was p^rsent,

Mr. Francis Newman, Gouvernor.

Mr. Will Leet, Deputy Gouvernor.

Mr. Mathew Gilbert,

Mr. Benjamine Fenn,

Mr. Jasper Crane,

} *Magistrates.* At Rich: Crabbs desire
his case was heard May
y^e 28.

Richard Crabb of Greenwich & his wife being bound over to y^e court, he made his appearance, who was told that his wife was also appoynted to be here as well as himself, to w^{ch} he answered y^t she was not able to come. It was declared to him y^t he was now called to answer for severall miscarriages by many clamorous and reproachfull speeches against the ministry, gouernment & officers, neglecting of meetings for sanctification of the Saboth, by himself or his wife comitted, for whose miscarriages, (he countenancing her in it,) he must stand accountable to y^e court, the pticulers whereof the testimonies given in will more fully declare.

And first the testimony of Willm Oliver, given in vpon oath the first of Decembr, 1657, was read, who saith, y^t he came to goodman Crabbs house wth y^e rest to demand the Quakers bookes, & the goodwife Crabb went into y^e other roome & made herself fast by shutting the doore, & Rich: Crabb vsed meanes to have y^e doore opened againe & so it was, & when she came she said, Is this your fasting & praying, to come & robb vs & robb mens houses; then she held vp her hands & said, The vengeance of God hangs ouer your heads at Stamford for takeing away o^r land wthout comission, & wronging of them; & then she fell a railing ō the ministers & said they were preists & preached for hire, & called them Baalls preists, & she would not heare them, & said we was shedders of bloud, y^e bloud of the s^t of God; also she told goodman Bell, he was a traitor, & a liar & a villan, and his posterity would suffer for his iniquity, & goodmā Bell said, no, they should not suffer for his, & goodwife Crabb said they should, & goodman Bell said he hoped she was not a witch, & then she told him he was

a rogue, or a rascall, one of them; then she fell vpon the officer, Jo. Waterbury, & said he was a traitor, also she railed vpon the marshall wth bitter words, &c., & then vpon others, etc.

Also the testimony of Jonathan Renalls, taken vpon oath y^e 13th of May, 1658, was read, who affirmeth that goodwife Crabb did give very bad language to goodman Bell, & goodman Bell sd, Woman, I thought your religeon had beene thee & thou, & goodman Crabb said, Why her religeon is as good as yours.

Lastly the testimony of George Slawson, given in vpon oath y^e 24th of May, 1658, who saith y^t going to Greenwich wth Daniell Scofeild, marshall, to take Tho: Marshall, we came into Richard Crabbs house, & there we found Thomas Mar-[160] shall, and then y^e marshall || seized vpon him, then goodman Crabb desired to see y^e warrant, & when he had seene it he questioned y^e extent of it, whether or no y^e sd marshall might not stay vntill y^e morning; I told him no, then security was offered, then I told him in such cases I should refuse, then goodwife Crabb fell a railing vpon mee, & said y^t we had stolne away Greenwich & wee had no commission, relating it seuerall times ouer with many retorting speeches; then I said, Goodwife Crabb, I should be glad to see you at Stamford meeting, shee answered & said y^t she would neuer come while she lived, then after some discourse I said, Well I should be glad to see you at Stamford meeting to heare, then shee answered & said, What shall I come to heare, to cast away my soule to the diuell, or to this purpose; goodman Crabb, hearing of her, did not so much as rebuke her, but rather countenancing her therein & questioning of vs what ground we had to do as we did, & countenancing Tho: Marshall so far as he durst.

The Gouvernor told him y^t these are notorious things w^{ch} are testified, & must not be suffered. Richard Crabb replied so they are, but he could not reclaime her. But Francis Bell affirmed y^t hee seemed to countenance her in it & vsed noe meanes to reclaime her, although she continued in those railing speeches almost a houre together, she calling for drinke to refresh her, w^{ch} he apprehended she did to strengthen her to goe on in those wicked speeches, w^{ch} was dreadfull to heare,

lifting vp her hands towards heaven & saying, Holy Father power out thy vengeance vpon them, & y^e like, vntill she began to speake against authority, then indeed he vsed meanes to quiet her, who told her she would hurt herself, w^{ch} he ap^rhended he spake in refference to her health. Francis Bell further declared, y^t Mr. Bishopp was much discouraged by Rich: Crabb, & he doubts not but many others also, by his villifying the ordinances & ministers. Richard Crabb was further told y^t he hath beene a harbourer of Quakers, & y^t he hath kept Quakers bookes in his house, to w^{ch} Rich. Crabb replied, indeed Marshall was there, but he did not account him a Quaker, nor anything els but a wethercocke. The gouernour demanded of him whether he owned the Lords day to be y^e Christian Sabath, to be sanctified by virtue of y^e 4th com^{mandement}, to w^{ch} Rich. Crabb answered he did owne it; it was told him he hath spoken y^t w^{ch} held out the contrary, to w^{ch} he said, y^t it was one thing to speake in way of discourse, and another to speake positively; but Rich: Law testified y^t Francis Bell & he have had discourse wth him concerning the Sabbath & he hath propounded such questions concerning the Sabbath y^t they did ap^rhend his judgm^t was against y^e morallity of it.

It was propounded to him if he would give in security for his quiet & Christian carriage in y^e place for the time to come, & y^t hee would testify his esteeme of y^e ordinances by his attendance on them, & to y^e ministers by shewing that respect y^t is dew to them; to w^{ch} hee answered y^t he did not ap^rhend y^t safe for him to doe, haveing soe many eyes vpon him, but [161] it was his resolution to walke inoffensively || for the time he shall stay there, but he intended to remoue; to w^{ch} y^e court replied y^t they feared y^t a remoue was easier to him then a reformation, but he must expect y^t Greenwich will be no place for him vnles he do reforme. The Gouernour told Rich. Crabb y^t y^e court did looke vpon his miscarriages as very great, therefore they would take time to consider of it, & y^t y^e sentence should be declared o the morrow morning.

The next day Rich. Crabb being againe called, y^e gouernour told him y^t yesterday he heard y^e evidences read w^{ch} were

given in against him for notorious miscarriages, w^{ch} evidences were now againe reade, to w^{ch} Rich. Crabb answered, however those writeings p^rsent him to the court, yet he knew his owne cinserity & y^t he did beleewe y^t God would not impute those things vnto him; hee also told him y^t if this be religeon it is strange religeon.

The Gouvernour told him y^t he had heard of a discourse with two men y^t came frō y^e Bay, first he asked them whence they came, they said from Concord, to w^{ch} he replied y^t was a beggerly place, they said it was a good place, he replied y^t y^e preist & y^e people y^t came thence w^ere almost starved, the
* men replied they had no preist, to w^{ch} he answered, I see you are in darknes as all the country is.

Also a discourse wth a woman of Norwalke, first he asked her when shee would be pfect, she answered when she should come to heaven, he told her y^t she might be pfect here; y^e court told him y^t herein he spake like a Quaker, & y^t he so carried it as if he would take all oppertunities to corrupt others wth whō he converst; to w^{ch} Cra[bb] answered y^t it was spoken only by way of discourse.

The Gouverno^r propounded y^t if any one had yet ought to say in y^e case they might now speake, vpon w^{ch} Francis Bell desired y^t y^e p^ticular wronge done to him, being sent by authority, might be considered, being charged for a traitor, a liar, a villan, a rogue or rascall, which, sd he, if I were guilty off, I were worthy to die, to w^{ch} Crab re[plied] did he say so; he was told y^t if his wife speake such words & [he] countenance her in it, he must answere it. It was propounded to Francis Bell whether he spake this [as] expecting iustice in refference to himself, or as a crime [to be] generally witnessed against in him as against an evill doer, to [w^{ch}] he answered that he neuer had ā action against any man, and shall be content in this case, if they shall see & acknowledge [their] evill in these miscarriages, to receive satisfaction.

Francis Bell further declared y^t it was y^e desire of their freemen y^t y^e court would take some course y^t their peace may be p^rserved, ordinances promoted, minister encouraged by suppressing of such whose actions & speeches tend y^e con-

trary way, for if Quakers may be entertained, their bookes laid open & read, & questions raised concerning the truthes of God, what do you thinke of this, & what do you say to y^t, etc. they know not to what ill pass things will come to in a short time.

Mr. Bishopp also, the pastour to the church at Stamford, informed y^t there was a leaven spread amonge y^e young people [162] of Stamford || concerning the Sabbath & concerning the written word of God, w^{ch}, said he to Richard Crabb, how far you are guilty of, you have cause to consider, but you must know y^t you have given occasion of suspition y^t it proceeds from you, their being a maid detained by you to the greife of her parents, who is corrupted, & there is great ground of suspition through your meanes, w^{ch} things Mr. Bishopp declared were so great a discouragment to him y^t he could not continue at Stamford except some course be taken to remoue & reforme these greivances.

Richard Crabb desired to speake concerning his wife, not (as he said) that he would iustify her in any evill, but to acquaint the court wth some things concerning her. The woman (said he) was a well bred woman in England, a zealous pfessour from her childhood, almost beyond example, but when she is suddenly surprized, she hath not power to restraine her passions. To w^{ch} y^e gouerno^r replied that what he had saied did greatly aggravate her miscarriages, for if she have beene a great professour it was certaine she had beene an ill practiser, in w^{ch} you have countenanced her & borne her vp, w^{ch} may be accounted yours, as haveing falne into evils of the like nature yourself, revileing Mr. Bishopp as a preist of Baall, & y^e members as liars, & y^t Mr. Bishopp preached for filthy lucre, w^{ch} was not spoken in refference to y^e sentence.

But to shew what a pson Rich: Crabb was, & what actions hee did, & therefore might not be thought to be so inocent as he would pretend, he was called vpon by the court to consider his way, how y^t after a great pfession made, he had now been for a longe time a neglecter of y^e ordinances, a reproacher of y^e ministry, & his wife also, whom he hath not reprovued, that their case seemes scarce to be parraleld in these times, that he

having had such light, & his wife such a one as he described her to bee, should fall into such abhominable courses, to raile vpon ministers, calling them Baalls preists, &c., and the people of God, calling them traitors, liars, villans, etc., neglecting of the ordinances & Sabbaths. It was told him y^t euery ordinary eye might see markes of apostacy on them, w^{ch} he was seriously called vpon to consider off.

Francis Bell told him that he had formerly a good esteeme of him, but now he feares his parts are turned against y^e churches of Christ.

It being propounded to Rich: Crabb whether he had any thing more to say, he said, the Lord help him, but further said not.

The Court haueing considered their miscarriages, w^{ch} they looked vpon as very greivous & of a high nature, by way of sentence declared, that Richard Crabb pay as a fine to y^e jurisdiction 30^{li}, & y^t he enter an engagement of a 100^{li} standing security for his good behaviour; furthermore y^t he make a publique acknowledgm^t at Stamford, to the satisfaction of Francis Bell & those other w^{ch} he hath wronged, w^{ch} if he do not, he is to pay to

[The Record remains thus incomplete.]

[163] Ensigne Brian in the behalf of M^r. Edmund Downes of Fyall, m^rchant, entred an action of 600^{li} damage, for a shipp & goods cast away on y^e south side of Longe Island, seized by the towne of Huntington. Jonas Wood & Jonas Wood appeared in the behalf of y^e sd towne to answeare the sute. Sundry depositions on both sides being p^rsented & read wth seuerall pleas made both by plant[']. and defend^t, the planteife, findeing the defendts pleading their title to y^e said shipp & goods by vertue of an agreement made wth y^e m^r of the shipp & not as a wreck, (as he expected,) withdrew his action, which being done, the defendants propounded to the court y^t the charges w^{ch} they had been at in their coming ouer & attendance to answeare y^e action might be allowed them by the planteife; to w^{ch} y^e planteife answered that they had, as he

conceived abundant matter in their hands already for their recompense, to w^{ch} y^e defend'ts replied they could not let it fall vpon y^t account having no such order from y^e towne; vpon w^{ch} y^e planteife propounded that if when they come home & propounding it to y^e towne they finde them vnsatisfied, let them give in their account, & what is determined by y^e sentence of this court he shall attend y^e payment of it at Milford when it shall be demanded, w^{ch} was consented to by the defendants.

James Mills plant'. } John Cowper being admitted attorney
Jo Tompson, defendt. } for the planteife entered an action of
 defamation in high degree, charging the planteife wth stealing
 2 barrells of beife, & for a notorious liar; y^e case he declared
 to be thus, John Tompson coming from Milford, came to Mr.
 Mills & told him y^t he had order from Ensigne Bryan to
 deliver him 2 barr of beife, Mr. Mills asked the price, John
 Tompson said 3^{li} a barr, Mr. Mills said he would not give it,
 to w^{ch} John Tompson replied he had order to deliver it at 55^{..}
 a barrell & y^t was y^e price; about 2 dayes after Mr. Mills
 desired to know where y^e beife was, he answered it was in y^e
 warehouse, w^{thall} he appoynted him a time when he should
 see it; accordingly he went & saw y^e beife, one barr was
 opened w^{ch} he looked vpon, approued of it, y^e question was
 asked w^{ch} was the other barr. John Tompson answered, their
 it stood, he asked him if he would have it opened. Mr. Mills
 sd no, he would take it vpon his word, if it were as good as y^t
 w^{ch} was opened. John Tompson said it was for ought he
 knew, he further told him if he would fetch it away he must
 goe to Daniell Hopper who had the charge of y^e warehouse to
 take notice what is taken out, accordingly Mr. Mills did, but
 Daniell Hopper told him he could not go downe but he might
 goe & take it, You know, said he, where y^e key of the ware-
 house is, if you know which to take, & y^t he did because both
 were concined to him; some few dayes after, John Tompson
 came to enquire after this beife & he supposed y^e manner of
 his enquiry some could speake to, but the issue was he went
 to Mr. Newman, or magistrate y^t then was, he charged him to
 be a notorious liar, both before he went & there, & wth theft,

y^t he had stolne from him to barrells of beife; this is the [164] breife, he desired that || any debate betweene them before this time may be vnderstood as not proper to the case.

The defendant answered that he was here charged wth an action of defamation in high degree, he desired to relate y^e case as it was betweene Mr. Mills & himself, but he, falling into discourse of something y^t past them in winter, was told y^t what he spake was not to the case, but was desired to speake to y^e busines in question, whether he had charged Mr. Mills wth stealing 2 barr of beife, to w^{ch} he answered he had so charged him; he desired further to speake in y^e case, w^{ch} he related to stand thus, Mr. Bryan ordered mee (said he) to pay to Mr. Mills 4^{li} 16^s 9^d, w^{ch} I acquainted Mr. Mills with & pffered to deliver him 2 barr of beife if hee would pay me y^e rest, but at that time we agreed not, afterwards coming by Mr. Atwaters warehouse I found my beife was gon, at w^{ch} I was much troubled, but Mr. Mills shewed an order from Ensigne Bryan to receive of John Tompson 2 barr of beife, what they came to more then 4^{li}. 16. 9^d it was in Mr. Mills his liberty to pay either to John Tompson or Ensigne Bryan.

The Gouvernour declared that he had heard much of this case privately, & had told John Tompson y^t what he said would amount to nothing.

The testimony of John Downe, taken vpon oath y^e 12th of y^e 2^d moneth 1658, was read, who affirmed that he heard John Tompson say y^t he did give Mr. Mills leave to open y^e other barr of beife, Mr. Mills replied y^t he will not open it but will take it vpon his word, because he said it was all one beife, John Tompson told him, when he desired to take it out he should goe to Daniell Hopper & he would deliver it, for he had the charge of y^e warehouse. It being demanded of Jo Downe whether he heard of noe condition mentioned to Mr. Mills when he had order to receive the beife, he answered he heard nō.

John Tompson denied that he gave any order to Mr. Mills to goe to Daniell Hopper for the beife, but John Cowper affirmed that he had formerly acknowledged it, the gouvernour also said that he had acknowledged that before him.

The Court having heard the case, propounded to y^e planteife what damages he expected from John Tompson for the wronge he had done him, to w^{ch} he answered that y^e charge was in itself of a high nature, & in respect to y^e place wherein God had set him, it was greatly p^rjudiciall to him, for if he be a theife, who will put anything into his hand, besides y^e hinderance of him in his occasions with his boat, so y^t he looked o^r himself wronged a 100^{li}.

The Court haveing heard & considered y^e case, by way of sentence declared, that in refference to the p^rmisses, y^t John Tompson pay to Mr. Mills 20^{li} for y^e wrong done to him in his name, & 5^{li} in refference to damage sustained in his occasions with his boat; the court further told John Tompson that his stiffnes which had appeared at this time had hurt him, & would hurt him if hee goe on in it.

Tho. Wheadon, planteife, } *Tho. Wheadon* declared to y^e court
John Meigs, defendt. } y^t hee conceived y^t he had received
 wronge from goodman Meiggs. For to make it appeare, he
 p^rsented an indenture to y^e consideration of y^e court, w^{ch}
 [165] being read || John Meiggs desired to know wherein lay
 the wronge, w^{ch} part of the couenant was not p^rformed; to
 w^{ch} Tho: Wheadon answered, in y^t he was not taught the trade
 of a currier. Willm Potter in y^e behalf of Thomas Wheadon
 declared y^t he conceived y^e man had great wronge in y^t he
 was not taught y^e trade. The gouernor demanded of J^s.
 Meiggs what he had to say why Tho. Wheadon was not taught
 y^e trade according to y^e couent; to w^{ch} he y^e sd J^s Meiggs
 answered, y^t he was to serve him 7 yeares fro^r y^e time he came
 ashore, & y^t when they were in y^e shipp he did voluntarily
 engage to teach him y^e trade; afterwards, when he came to New
 Engl, Mr. Gilbert desired one of his servants, at last he came
 to this, y^t if Tho Wheadon were willing, he should have him
 for 5 yeares, vnto w^{ch} Thomas Wheadon consented. Now
 two things he had to say, first y^t the engagem^t to teach him
 y^e trade was on his part voluntary, & y^e 5 yeares to M^r. Gilbert
 was by his owne consent. The defendt p^rsented an indenture
 whereby y^e said Tho: Wheadon stood bound vnto a m^r in Eng-
 land, w^{ch} he affirmed was delivered him by his said m^r, & his

whole time was assigned vnto him, w^{ch} Tho Wheadon denied & said y^t one Jō Rabbins who then came ouer could take his oath y^t he himself had y^t indenture in his keeping in the shipp, who being asleepe in y^e boat, the m^r of y^e shipp tooke this indenture out of his pockett & kept it 2 or 3 dayes, & afterwards calling him into y^e great cabbin y^e master & mate reade it. John Meiggs was told that if this be true, then y^t w^{ch} he said was not, & y^t it was irrationall y^t he should have an indenture frō his m^r in England without ā assignement; to w^{ch} Jō Meiggs answered y^t he conceived y^t he had y^e indenture of his m^r, w^{ch} y^e court takeing notice off, minded him of his too much confidence, first in saying positively y^t he had y^e indenture of his m^r, & now y^t he only conceiv'd so.

Tho Wheadon produced y^e testimony of Jō Rabbins as followeth,

That John Meiggs bound Tho Wheadon, when he was at sea from his freinds, to be his servant 7 yeares, pmising to teach him y^e trade of a currier or cause him to be taught so y^t he might be a pfect workeman in his trade, yet Tho Wheadon being much troubled & not willing to serve so longe nor yet willing to set his hand to y^e indenture for any longer time then 5 yeares & gave this reasō in these words, Why should I be bound for 7 yeares & Jō Rabbins but for 4, & wept very much; his m^r answered him hastily in these words, Thou foole you, thou wilt have a better trade then Jō Rabbins, thou maist get 10^{ss} in a day. This I shall testify vpon oath if ^ require.

I, John Rabins.

Which being read, y^e court told him y^t this had a shew of circumvention of Tho: Wheadon. It was demanded y^e reason of y^e 3 yeares disproportion in time betweene Rabbins & Wheadon, to w^{ch} Jō Meiggs answered, 1. Jō Rabbins had a trade before, 2. Wheadon voluntarily engaged 5 yeares to Mr. Gilbert, & if any question be about his earning 10^s a day, he himself had curried 3 hides in a day. Christopher Todd [166] propounded to y^e || court y^t he conceived y^t this was worthy of consideration what Jō Meiggs had said y^t he could earne 10^s a day; y^e court told him y^t this looked too like flapp them on, w^{ch} was an offensive passage in John Meiggs formerly witnessed against by y^e court.

John Meiggs further sd y^t he conceived y^t had y^e whole 7 yeares beene to M^r. Gilbert by his consent, he had done him no wrong; to w^{ch} y^e gouerno^r replied y^t Wheadon was not of capacity to dispose of himself, & that John Meiggs should not have supplied his engagem^{ts} to M^r. Gilbert by makeing new aggreements wth such a one as Wheadon was, though by arguments he gaine his consent.

John Meiggs further pleaded that there were yet 2 yeares to come, in w^{ch} he intended to teach him y^e trade, & he would vndertake in two moneths to teach a man y^e essence of currying. It was told him y^t its knowne y^t there is so much mistery in y^e trade y^t some after longer time then 2 yeares have beene found altogether insufficient. A letter frō Rich: Church of Harfford was p^rsented by Wm Potter and read, wherein he declared y^t he ap^rhended y^t Wheadon had wrong, being witheld so longe from y^e trade.

John Meiggs sd y^t he vnderstood from Murwin of Milford y^t he would vndertake to teach him y^e trade within 2 yeares. Jonathan Rudd of Seabrooke was also ppounded; the court told him y^t one of them failed him, for he was a tanner, & the other we heare not what hee sayes.

Edward Church declared y^t his father had a man at y^e trade 4 yeares in England, who was insufficient for the trade, though he had constant imployment, & y^t he hath heard his father say that there are but few y^t can dress leather for y^e good of y^e country.

John Meiggs desired y^t 2 yeares might be tried, & if in y^t time he do not answere his couenant, he would answere y^e damage; to w^{ch} y^e court answered they must not run so great a hazzard.

John Meiggs desired y^t a mistake in y^e indenture, concerning y^e date of it, may be rectified; he was told y^t if there be a mistake, it may be considered, but for the business itself, though he p^rsent a writeing referring to a m^r in England, yet it doth not appeare that he had any right to him, either from his m^r or parents, but y^t he was a free man, he was told y^t he was placed there by authority, therefore an alteration, especially such as this, to transplant a man from England

hither, in reason should be by the same power, w^{ch} doth not appeare, but only an agreement with an orphan, wthout consent of master or magistrate, (for ought appeares,) is p^resented as y^e ground of y^e claime, & y^t agreement drawne on vpon a delusive speech or argument vsed to him, of earning 10^s a day.

To which J^o Meiggs replied y^t he had no neede to vse such an argument, if he did, w^{ch} possibly he might, for he had sufficient right in him before; he further said y^t y^t passage, of earning 10^s a day, was not proued, to w^{ch} y^e court replied, letting y^t pass there are p^recedent things w^{ch} will be sufficient ground for the court to pceed vpon. It was therefore declared by way of sentence, that they see not cause to binde him ye s^d Tho: Wheadon any longer vnto J^o Meiggs, only y^e engagem^t to Mr. Gilbert he must pforme. Y^e indentures concerning Tho. Wheadon are to be kept by y^e secretary, y^t if hereafter John Meiggs shall make any thing appeare, y^e law may be open for his releife.

[167] || Benjamine Wright of Guilford being bound ouer to y^e court of magistrates to answere to sundry miscarriages & misdemeanours, for w^{ch} had been formerly questioned by y^e court at Guilford, being called now made his appearance. The p^rticulers charged against him being read, y^e gouernor demanded of Wright what he had to say to these things y^t were here declared against him, to w^{ch} Wright answered that he had alwayes acknowledged y^e sinfulness of his carriage in y^e manner of it.

It was demanded of him whether the things charged vpon him were true or not, to which Wright answered he could not tell, he had desired a copy of y^e court pceedings & what they had against him, but could not obtaine it, therefore was not p^rpared to give his answere at this time, he therefore desired y^t y^e court would forbear him till some other time, wherevpon goodman Hubbard affirmed & said that he had p^rferred him to reade ouer to him the charges against him & y^t he might himself take them in writeing, & besides it was further declared that he had y^e heads of all given him.

Benjamine Wright now falling into a fainting fit, the gou-

ernour wisht him to consider the pvidence of God towards him, that as he had beene smiteing at the authority of God, so now God came vpon him as if he would kill him.

In y^e afternoone Wright being againe called, was asked whether he were now fitt to answere to y^e case, to w^{ch} he answered he was not; furthermore Wright againe renewed his request y^t he might have a copy of what was charged vpon him and said he should apply himself to consider of his sin in y^e sight of God, w^{ch} being also moued by y^e magistrate & deputies of Guilford, y^e court consented, but Wright was withall minded that there lies a bond of 50^{li} vpon him in y^e meane time for his good behaviour.

Thomas Mulliner appeareing before y^e court declared, that concerning a sentence y^t lately past in Newhaven court, in reference to a pcell of land bought of Mr. Goodier, he was vnsatisfied wth, he therefore desired to make his appeale vnto this court. A copy of the pceedings of y^e court at Newhaven was p^rsented by him, w^{ch} being read, y^e court asked Tho. Mulliner where was y^e error in this sentence. To make y^t appeare, he p^rsented a writeing drawne vp by himself, also a writeing containing the agreem^t betweene Mr. Goodier & himself, both w^{ch} being also read, it was demanded what he pleaded from y^e couenant, it concludes y^e quantity & scituation, was not this done?

To which Tho Mulliner answered, y^t whereas Mr. Goodier sould him a 170 acc. of vpland, he conceived it must be such as other men ordinarily have for their accomodations, whereas he had rockes laid out instead of land, w^{ch} he vnderstands since are towne commons.

It was answered y^t he was offered in a towne meeting, y^t let Mr^{rs}. Goodyeare & he agree, & if there be enough on y^e plaines for both, he may have his land there & leave out y^t rocky land for y^e townes vse.

The Court haveing thus far heard, gave no sentence in y^e case, but advised that y^e businesse be respitted for some time in expectation of Mr. Goodyeares retorne out of Engl^t, who can best cleare his owne intensions & agreements. That part of y^e businesse for w^{ch} Tho: Mulliner was bound ouer to y^e

court of magistrates was not entred vpon at this time, but y^e sd Tho Mulliner stands liable to answere his miscarriages therein when he shall be called therevnto by y^e court.

[168] || W^m Newman of Stamford appeared in court to psecute in a action of y^e case against Peter Disbrow, who being called, answered not.

A petition from Mr. Van Goodenhausen was p^resented, wherein he desired y^t whereas Mr. W^m Westerhausen, sometime of Newhaven, was indebted to him 19, 11^s, 7^d, there being an estate of his in y^e hand of y^e treasurer w^{ch} non lookes after, y^t he might be satisfied his debt out of that estate, w^{ch} y^e court considering did order y^t y^e sd some of 19^{li} 11^s 7^d shall be dd to him, p^rvided y^t he put in security to y^e court to be accountable for such part of it as shall be found to be aboue his p^rportion when y^e other creditours appeare & y^e estate comes to be devidid amongst them; the house he lives in he propounded for security, but whereas y^e estate, or part of it, was now in y^e hands of Mr. Hudson, it was referred to y^e court at New-haven to speake wth Mr. Hudson & himself, and to determine y^e time when it shall be delivered to him & to take security of him.

Henry Tomlinson appearing before the court to attend y^e issue of y^e businesse in question longe dependinge, concerning wines & liquors bought & drawne by him when he kept the ordinary at Milford, not dewly entred by him, & y^t after an acc^o had been demanded of him. The passages in court, in May, 1657, & in October, 57, being read, it thereby appeared y^t for default in dew entry & paym^t of customs & excise of wines and liquours he had made forfeiture to y^e vallew of 140^{li}, for ought to the contrary that then appeared, but he being sicke & thereby disabled to attend y^e court, y^e business was respitted, in refference to the finall issue, to some other time. He being now p^resent was told y^t y^e court was ready to heare what he had to say in y^e case, why the forfeiture dew by o^r law, as y^e case was then vnderstood, should not be required of him.

To w^{ch} Henry Tomlinson answered that he was (at least for some time) ignorant of the law & who y^e officer was to who

he should give in y^e acc^o, & further he sd y^t being about to buy some liquors of Mr. Fenn, he told him they would be deare by y^t time y^e customs & excise was paid, Mr. Fenn answered he need not trouble himself for y^t, he might forbear vntill it did appeare what Stamford & other townes did doe concerning their customs; he also declared y^t he was told y^t Mr. Fenn did not make entry of some of his owne, which passages (he said) gave him ground to thinke y^t there would be a cessation of customs for that yeare.

Mr. Fenn being desired to speake, declared, y^t it was true he told him y^t other townes were slow & y^t he might forbear to pay it vntill it was seene what was done by other plantations, but withall he had alwayes advised him to keep a acc^o by him, & had since demanded an account of him, & when a acc^o was demanded of him, he giveing in only 8 anchors of liquours, the court finding so little entred, having ground to judge y^t more was dew, desired him to looke after it, w^{ch} he did, but no acc^o could he gett of him; vpon y^t he went to Ensigne Brian & desired him to informe him of what wines & liquors he knew off bought by Hen: Tomlinson, who gave it him in writeing, w^{ch} he brought to New-haven.

[169] || Henry Tomlinson was told by y^e court y^t whereas he had pleaded ignorance, he had y^e law to direct him, they further minded him y^t he was advised to keepe a acc^o by him, and y^t now, when it was demanded, he should give in an acc^o only of 8 anchors of liquors, when much more was dew, it was not faire, but to be witnessed against; and that had he failed in not paying it, had he had ought to ppound, it might have beene considered; but when a acc^o is required, that he should give in a falce acc^o, & thereby goe about to deceive vs, what could be sd but why this should be witnessed against with seuerity; yet neuertheles, y^e court enclineing to y^e most favourable way, (wth safety to y^e law,) did againe propound to Hen: Tomlinson what he had more to say, whereby to take off any part of this vnder consideration from forfeiture; to w^{ch} end he declared that 10 anchors of these liquors did belong to other men, & y^t 4 anchors were sould by wholesale, while y^e retailer only paid, y^t one barr. of sack he carried to Stratford,

half a barrell of sacke was lost by leakadge, 8 hogsheads of clarret & w^t wine sould for vineger, all w^{ch} he desired might be discounted; to w^{ch} y^e court condescended, & findeing y^e remainder to amount to 30^{li}, it was by sentence of court declared to be forfeited & must be paid by Hen: Tomlinson within a yeare; for pformance of w^{ch} Ensigne Brian, being p^rsent, vpon an engagem^t by Nicholas Camp at p^rsent made for his security, Ensigne Brian alike engaged to stand as Hen: Tomlinsons security to y^e court for y^e paym^t of y^e debt of 80^{li} abouesd.

Ensigne Brian declared that whereas there was a warrant served vpon him at y^e sute of Hen: Tomlinson, to answere him at this court, y^t the matters in difference betweene them were ended, vnto w^{ch} y^e sd Hen: Tomlinson assented.

Ensigne Bryan also desird to give in his answere to a informatiō given in ag^t him in October last, concerning 5 pipes of wine by him not entered, w^{ch} was this, y^t he being y^e officer at Milford to take notice of y^e entry of wines & liquours, it was his manner to bring in his account once a yeare to the jurisdiction treasurer, & so he did concerning y^e wines in question, w^{ch} defence of Ensigne Bryan y^e court accepted.

The last will & testament of Jasper Stilwell of Guilford was p^resented, made the 9th of Nouembr, 1656, witnessed by Geo: Hubbard, George Bartlet, proued in court at Gilford Nouembr 23, 1657.

An inventory of y^e estate of y^e sd Jasp Stillwell was also p^resented, amounting to 210^{li} 17^s 10^d, taken Nouembr 15, 1656, the apprizem^t made by William Dudley, John Fowler & Hen: Kingsnorth.

An inventory of the estate of Jō Peakins of Newhaven, taken by Tho: Munson & W^m Russell the first of February, 1657, was p^resented, amounting to 141^{li} 12^s 2^d, at a court at Newhaven y^e 6th of 2 moneth 1658, y^e sd apprizers attested vpon oath y^t it was a iust apprizem^t according to their best light.

An inventory of y^e estate of John Jones of Newhaven, taken the 10th of Decembr 1657, amounting to 811^{li} 4^s 11^d, attested vpon oath by Jō Nash, Mathew Moulthropp, Gervase Boykin,

to be a true apprizem^t according to their best light, at a court at Newhaven March 2^d 1657.

[170] || The last will & testament of the Honourable Theophilus Eaton, Esqr, y^e late gouvernour of this colony, was p^resented, written, seáled & subscribed, as is conceived, by his owne hand, but being not attested by any witnesses therevnto, could not be legally proued, wherevpon at the desire of M^{rs} Ann Eaton, y^e widdow of the deceased, y^e court granted her letters of administration to be añexed therevnto, w^{ch} was accepted by her.

Also an inventory of the estate of y^e aforesaid Theoph: Eaton, Esqr, was p^resented, amounting to 1440^{li} 15^s 7^d, besides an acc^ot betwixt y^e estate & Captaine Cullick, and betwixt M^r. Goodyeare & y^e estate, both w^{ch} remaine vncleared, but to be added to or taken from y^e estate, with any other accounts w^{ch} shall appeare iust, as there shall be cause; w^{ch} inventory, in respect of y^e pcells, was attested by M^{rs} Eaton to be full according to her best knowledg, a peice of plate vallewed at 40^{li}, & y^e bed on w^{ch} she lay, w^{ch} shee claimed as her pper estate, excepted, w^{ch} y^e court allowed to be left out of the inventory, prouided y^t shee cleare y^e ground of her claime to y^e satisfaction of her children w^{ch} are interested in y^e estate. M^r. Math: Gilbert, M^r. John Wakeman & M^r. Richard Miles, attested vpon oath y^t the apprizement was iust, according to their best light.

AT A COURT OF MAGISTRATES HELD AT NEWHAVEN FOR Y^e JURISDICTION, THE 20th OF OCTOBER, 1658.

The Gouvernour,

The Deputy Gouvernor,

Mr. Mathew Gilbert,

Mr. Benjamine Fenn,

Mr. Jasp Crane,

} Magistrates being p^resent.

Thomas Mulliner appeareinge to psecute his appeale, entred y^e 26th of May 1658, was told that y^e court was now ready to heare what he had to say in y^e case, w^{ch} being declared,

Thomas Mulliner desired that y^e couenant concerning Mr. Goodyeare & himself might be pused, it being conceived by some y^t y^e land he posest, (at least somē part of it,) did belonge to y^e children of Mr. Lamberton, but the lands (he sd) were neuer devided betweene Mr. Lamberton & Mr. Hickcocks, (since sould to Mr. Goodyeare,) as Mr. Crane (he said) could testify.

He desired y^t y^e alienation might be also considered, for hee conceived y^t what was by some witnessed at y^e court was not vnderstood, who affirmed y^t he had said that he was to have his meadow in y^e coue, (called Mr. Malbons coue,) w^{ch} he sd was spoken vpon this occasion, his house being settled, he had ā eye to a peice of meadow belonging to Mr. Wakeman, y^t it might be purchased for him by Mr. Goodyeare, w^{ch} Mr. Goodyeare was willing to attend, (as their was cause he should,) but that meadow was not attained; now (sd he) my alienation sayes that my vpland should ioine to my meadow, [171] Mr. Goodyeare laid mee out 18 acc || of meadow at one end of my vpland, & 12 at y^e other, w^{ch} he conceiv'd did determine the bounds of it; he further pleaded y^t y^e land now taken from him was fenced in & improued 2 yeares before Mr. Goodyeare went away, who objected not against it.

Leiftenn^t Nash & Ensigne Lindon being appoynted by y^e court at Newhaven as defendants in this action, as also to psecute against him y^e breach of a bond of 50^{li}, wherein he engaged for his good behaviour, vnto the business now in hand answered, that most of these things now spoken o^r court hath heard, they supposed y^t Tho Mulliner was vnsatisfied because y^e feild is taken away from him, for he pleades y^t his vpland & meadow should ioine together; the case they declared to be thus, there grew a question betweene him & y^e tennants to Mr. Goodyeare, they vnderstanding y^t he laid claime to the whole or most part of the neck, wherevpon M^r. Goodyeare came to y^e magistrate and debated y^e case with Tho Mulliner before him, & vpon his desire a surveyour was procured to lay out his land & he charged not to hinder y^e surveyor in his worke, but he opposing, y^e questiō further grew on, that M^r. Goodyeare brought it to y^e court, who considered y^e couenant,

alienation & testimonies, and gave sentence in y^e case; what y^e sentence was & y^e grounds of it, y^e records testify, w^{ch} were read; the couenant betweene Mr. Goodyeare & Tho Mulliner was also read, & he asked what he interpreted therein to be contrary to y^e sentence.

To w^{ch} he answered that it is said in y^e records y^t Mr. Goodyeare had an app^rhension that his p^oportion would take in neare all y^e necke, to w^{ch} it was answered y^t it was an error if Mr. Goodyeare did so ap^rhend, & that the couen^t sayes only y^t he was to have 170 acc. on this neck.

Tho. Mulliner further pleaded y^t y^e vpland must ioyn to the meadow, w^{ch} it cannot do if he have not the feild now in question.

The defendants answered, that it doth appeare by testimony y^t he was to have all his meadow in Mr. Malbons meadow, w^{ch} was spoken by Tho Mulliner himself, as was affirmed by Timothy Ford & Thomas Johnson, and that Abraham Dowlittle had testified y^t he heard Tho Mulliner say, if Mr. Goodyeare would let him have that peice of meadow out of Mr. Lambertons meadow, w^{ch} lies neare or adioyning to y^e feild in question, he would take it for y^t he wanted in Mr. Malbons cove.

George Smith also affirmed y^t he haveing heard y^t Mr. Goodyeare was about to buy a peice of meadow for Tho Mulliner of Mr. Wakeman, he observeing this 12 acc. in Mr. Lambertons meadow lay not convenient to their farme, they agreed y^t it should be ppounded to Thomas Mulliner y^t he might have it, vpon this y^e defendants pleaded y^t it doth appeare y^t this 12 acc. came in by a after agreem^t, & therefore it doth not appeare but y^t the vpland should lie by Mr. Malbons coue, where it was intended he should have all his meadow by y^e first agreem^t.

Tho. Mulliner desired that y^e alienation might be againe considered, w^{ch} sayes his 12 acc. of meadow adioynes to his vpland. It was told him y^t it doth not say to his vpland, but to y^e vpland, w^{ch} describes y^e manner of the lying of the meadow.

[172] || The defend^{ts} further pleaded y^t it was said by

Tho Mulliner y^t his vpland & meadow must ioyn together, now he grants that 18 acc. of his meadow is in Mr. Malbons coue, & so it doth adioyne together according to the courts determination.

Tho: Mulliner p^resented a draft of the land, drawne out by himself, but was told by Mr. Crane, who well knew y^e land, that y^e draft was not right, therefore not to be made vse of by y^e court.

Leiftenn^t Nash desired y^t it might be remembred y^t at y^e court of magistrates, the 30th of the 4th Moneth 1657, they having had information of sundry miscarriages comitted by Tho Mulliner, did order y^t he should put in security for his good behaviour for y^e future, or remoue himself to some other place, the takeing of w^{ch} security was referred to Newhaven court, now he being called, at the first shewed himself vn-willing, but thought rather to remoue, but afterwards engaged in a bond of 50^{li} dewly to attend y^e lawes of y^e jurisdiction & of this place, & to walke peaceably & inoffensively to all, & not to be injurious to any in their names or estates. He desired y^t what is since vpon record concerning him may be read and considered, whether he have not broken y^e said bond; w^{ch} records being read, it appeared that y^e said Tho Mulliner hath been found guilty of many great miscarriages, contrary to that engagement, pticularly his offensive carriage, & y^t in contempt of authority, when y^e surveyor was attending his worke appoynted him by y^e magistrate, in pulling vp the sticks & throwing them away, & saying vnless they bound him hand & foote, & carried him to prison, he would hinder. Which Thomas Mulliner now excused, (as he could,) alleadging y^t he looked o^r y^t w^{ch} was spoken by y^e magistrate as words of counsell, not of comānd, & y^t he ap^rhended y^t the men appointed to lay out his land would so run y^e line y^t he should loose not only y^e feild but his house also, w^{ch} he thought would be remediless when once done, & y^t he was put vpon doing thus to pacify his wife, who was much troubled at it, whō he feared would miscarry, (being now with child,) if it were not p^rvented; he further sd y^t he neuer did any man wrong, to w^{ch} y^e court replied that herein he spake as an

audacious man, for he had wrought much disturbance to many, viz^t, to Geo. Smith, Wm. Meaker, Rich. Sperry, as y^e records testify; and y^t he hath carried it contemptuously towards y^e authority of y^e place, not submitting nor attending to what was spoken to him by y^e magistrate in way of comand, not of counsell only, (as he cald it,); & whereas he sd y^t he thought y^t if his land were once laid out it would be remediless, & y^t he should loose not only his feild but his house also, he was told y^t it was then said to him, y^t if his feild should fall without y^e line, it should be considered after, w^{ch} was the thing in question, & not y^e house as he p^tended.

Leiftennant Nash further declared y^t it appeares by y^e bond, y^t he stands engaged not to be enjurious to any in their names or estates, but y^e last court at Newhaven a business was heard betwixt Willm Meaker & Tho Mulliner for charging W^m Meaker y^t he offered to take a falce oath, w^{ch} he proued not.

Tho: Mulliner desired now of y^e court that there might be a convenient time allowed him to remoue out of y^e place. He [173] was told that || it will be the care of the court to see that he carry it well in y^e place while he stayes, but if he chuse to remoue, he may do so.

The Court haveing heard y^e seuerall p^ticulers alleaged against Tho Mulliner to proue y^e breach of his bond of 50^{li}, wherein he stood engaged for his good behaviour, declared y^e same to be forfeited, & did leave it to Newhaven court to call for it when they see cause, & ordered y^t Tho Mulliner shall againe put in security to y^e satisfaction of Newhaven court for his better carriage for y^e time to come.

Which being done, the question concerning y^e land comeing againe vnder consideration, William Meaker testified y^t M^r. Goodyear said y^t M^r. Mulliner was to have his land by M^r. Malbons coue, & not in any other place to hurt the farme.

Ralph Lynes also affirmed that when hee vnderstood y^t M^r. Mulliner claimed most of the necke, he spake to M^r. Goodyear of it about six weekes before he went for England & told him y^t he had spoiled y^e farme, M^r. Goodyear said, nay, for M^r. Mulliner was to have his land by M^r. Malbons coue. James Clarke affirmed the same.

Mr. Mulliner was told y^t it appeares by many testimonies y^t must not be laid by, y^t it was intended that he should have all his meadow in Mr. Malbons coue, & y^t Mr. Goodyeare hath said to sundry, that his land must lie by Mr. Malbons coue, and some of y^e witnesses say y^t he himself hath said that he was to have his meadow there; it was true y^t an ouersight in Mr. Goodyeare doth appeare, y^t he did not seasonably stopp him in y^e improving of this land y^t might be a occasion of expectation y^t he should enioy it, yet withall they see not, y^e writeings & testimonies being considered, but y^t he might be held to take his land by Mr. Malbons coue, but because he hath had occasion given him to expect this land in question by Mr. Goodyeares not witnessing against it, as he sayes, therefore y^e advice and determination of y^e court is, y^t a survey of the land be taken & y^t Mr. Goodyeares land being laid out, Mr. Mulliners land shall adioyne to it o y^t side next Mr. Malbons coue, y^e distribution to be made by indifferent men, so y^t the other farme be not spoyled nor Tho Mulliner wholly frustrated of his expectation.

John Bartrum comeing to y^e court to sue out a divorce frō a wife (he said) he had at y^e Barbadoes, being convicted of a lie, was fined 10^s; y^e business of y^e divorce y^e court would not medle with, but advised him rather to psecute this matter (if he see cause) where y^e state of y^e question is better vnderstood.

John Baldwin & Bethia Hawes, both of Milford, being warned were cald before the court, they both appearing, Mr. Fen declared that he haveing heard it reported that Bethia Hawes was wth child, he sent for her & asked her about it, to w^{ch} shee answered y^t it was so, & laid it to John Baldwin, wherevpon he sent for him & told him of it, but he denied it. The examination more at large, taken by Mr. Fenn, was by him delivered into y^e court & read, which is as followeth,

The 12th of Octobr 1658, Bethiah Hawes being suspected to be wth child, y^e question was asked whether she was with child, to w^{ch} she answered she was. 2^{dly}, it was asked by whom, to w^{ch} she answered it was by Jō Baldwin, 3^{ly} it was [174] asked whether any other had || not had fellowship wth her in that way but he, to w^{ch} she answered y^t non had knowne

her in y^t way but hee, for she said y^t she was a maid till then. It was asked when this was done, she said it was in Aprill last, but what time shee could not tell. Further it was asked her where this was done, to w^{ch} she answered it was done in her masters yard, standing vp by five railes, between the broad gate & y^e old house next the highway, & further she said they were standing all y^e while & y^t he neuer had to doe wth her in any such way any other time nor y^t there was any familiarity betweene him & shee any other time, and y^t she did not receive any pledge from him at any time; further she sd, she neuer received any thing from him at any time; further she said she was not aboard any vessell in y^e night at any vnseasonable time; and further she said, being questioned for being aboard some vessels, y^t she was aboard no vessell at any time, but that of Richard Brians, & but twice of y^t, & y^t was in y^e day time.

Jo: Baldwin denied y^e fact, but Bethia did owne what was contained in y^e examination to be so.

Mr. Whitman declared y^t y^e question y^t was put to her, whether there was any familiartye, betweene him & her at any other time, she might not vnderstand y^e word familiarity. Jō Baldwin was asked whether he did ever kiss her; y^t he confessed he had done. It was demanded of John Baldwin whether he had not vsed to keep company with her, to w^{ch} he answered, not in any vncivell way, but he haveing a child at nurse at goodwife Denisons, as he went & came y^t way she would be asking him how y^e child did. He was asked whether he had not beene with her alone. Vpon that M^r. Whitman declared that his wife found them together in the old house or stable, w^{ch} he also confessed. For the further clearing of y^e case, the testimony of Joseph Pecke was read who saith, that one evening he came by M^r. Whitmans, & there he found Jo: Baldwin & Bethia Hawes together, only the railes betweene them, and this was when Jō: Baldwins child was at nurse at Robt. Denisons.

James Prime testifies, that on one evening, after day light was shutt in, hee see John Baldwin & Bethia Hawes together, only railes betweene them, & then there was folk in y^e street.

Goodwife Prime testifies that she see John Baldwin & Bethia Hawes together after twas darke, y^e railes betweene them.

Milford, Octobr y^e 19, 58.

Which M^r. Whitman sd was at seuerall times & y^t Joseph Peck had said, y^t he wondered y^t Jō Baldwin should so soone after y^e death of his wife be so familiar with her.

Also the testimony of Edward Preston, in reference to some

suspicio of familiarity betweene Rich^d Marshall & Bethia Hawes, tending to y^e p^rsent crime whereof she is proued guilty, was p^rsented & read. This deponent testifieth as followes, I being in discourse wth Richard Marshall, he spake much in y^e comendation of y^e said Bethiah, & at the same time added, y^t he was a foole of a man y^t could not have y^e vse of a maid & she not be wth child.

Edward Turner likewise testifieth y^t he heard y^e sd Rich: Marshall say, y^t he was a foole of a man y^t could not have y^e vse of a maid and she not be with child.

[175] || Sarah Firman & Elizabeth Hinde do testify, that they heard Bethiah Hawes say y^t her brother sent her a paire of gloves, w^{ch} gloves she vpon examination owned to be y^e gift of Rich. Marshall.

Hannah Peston testifieth y^t about the beginning of y^e moneth, Bethiah Hawes told her that folks in y^e towne said she had a great belly, but she did not know how she came by it. Sarah Firman likewise testifieth y^t she told the said Bethiah that she heard a report about the towne y^t she was with child, to w^{ch} she answered she heard non of it; she further replied, if it were not so, were she in her case, she would endeavor to cleare herself, Bethiah answered y^t she was cleare already.

Elizabeth Hinde likewise testifieth y^t she being at y^e same time with M^{rs}. Firman, advised Bethiah if this report were falce to acquaint her M^r. & M^{rs}. with it, & she did not question but they would seeke to cleare her, her reply was y^t it was a lye, w^{ch} reply Sarah Firman likewise testifieth y^t she heard.

These testimonies were given in vpon oath before me at Milford, Octobr y^e 19. 58.

Benjamin Fenn.

Sargeant Baldwin exprest that he was desired to speake in y^e case though he had no delight in it, whereas it was said by the elder that she might not vnderstand y^e word familiarity, it was also propounded to her vnder y^e word daliance, she was asked if there was no daliance preceding y^t act, she answered no, & she said that there was no familiarity betweene them at any other time; to that it was answered by y^e court y^t he had confest he kist her, & y^t was daliance, & y^t seuerall testimonies also say y^t he was familiar with her, to w^{ch} Sargeant Baldwin answered y^t this was said, y^t as he went to & came from his child he had speech with her; he further said he would be

far from darkening the case, but desired y^t if the partie accused be indeed guilty y^t it might be knowne, but he had something to propound y^t to him made y^e accusation doubtful, w^{ch} he desired might be considered, he conceived that there were passages in the examination w^{ch} are not written, first she said that their were no p^rceding acts of daliance at y^t time spoken of, onely y^e act, she was now asked if this was true, she answered she remembers no daliance preceding, she was asked how long they had been together before the act, she answered she thought he was newly come into y^e yard when she had done milking & then it was done, she was by y^e court advised y^t as she hath falne into a great sin, y^t she add not to it by accusing one to be guilty, w^{ch} is not so; it was demanded of her whether she vsed any meanes to shun him, she answered y^t she prayed him to be quiet & he said he would doe her no hurt.

Rich: Baldwin desired y^t it might be considered whether by some of the testimonies given in there doth not appeare in her palpable contradictions, in saying first y^t her brother sent her a paire of gloues & afterwards owned them to be y^e gift of Rich. Marshall, he said he saw no reason, first, why she should contradict herself, secondly, why she should conceale the doner Rich. Marshall, w^{ch} vntil necessity compeld her she confessed not.

Bethiah was asked what she said to this y^t was now spoken [176] by Sargeant Baldwin, || to which she answered that she remembers not y^t she said her brother sent them, but that they came out of y^e Bay, & so they did, for Rich. Marshall brought them thence.

Mr. Whitman declared y^t y^e ground, as he tooke it, why Richard Marshall gave her these gloves was this, he dwelt in his house & she washt for him, therefore he might give them to her, & she concealed them not from her m^{rs}; y^e court declared that this ground spoken of was lawfull & honest.

Richard Baldwin further said, he could not but marvell y^t she should say she knew not how she came by her great belly, as the testimony given in declares as spoken of a time not aboue a fortnight before the examination; another thing Sar-

geant Baldwin desired might be considered, that she hath not scattered such wayes of wantoness only to him, to w^{ch} it was answered y^t it doth aggravate his guilt that he would keep company with her at vnseasonable times, she being one of so bad a carriage.

Sargeant Baldwin declared y^t it hath beene said y^t she had spoken to sundry weomen to speake to some to come a wooing to her, w^{ch} she being asked denied, but Mr. Fenn s^d that one woman gave such a testimony, & Bethiah being sent for backe, she would not come but said y^t if they had any thing to say they might have spoken while she was there.

The Court told her that she was one that had spoken falcly as the witnesses affirme, & y^t she hath beene of a light carriage, & y^e same is found evidenced concerning the man in his carriage towards her.

Sargeant Baldwin s^d y^t one time indeed spoken off, viz, his being in y^e house with her, cannot be excused, he hath owned y^t he was with her there, but withall he sayes she was milking, & one coming by, he went into y^e house, w^{ch} is an open house as he conceives; as for the other times spoken off, he was on one side of the railes and she oⁿ the other, & he gives the reason why he past y^t way, viz^t, to visitt his child at nurse; it was by y^e court answered y^t he might easily p^rtend occasions, but his carriages have been vnsatisfying in refference to her who is now with child, & theres no other gives ground of suspicion but himself.

Vnto w^{ch} Rich. Baldwin returned, that there is something testified concerning another man, & he hath observed betweene them such familiarity this day in bringing her from Milford & keeping company with her here, as renders him, viz^t Rich. Marshall, suspitious.

To which Mr. Whitman answered y^t she could not ride alone, therefore he rode before her, & his being with her today was wth respect to y^e court, haveing heard y^t something would be spoken against him there, & besides he heareing of her being with child when hee was at y^e Manatoes, if he had beene guilty he conceived he would not have come to Milford.

Richard Marshall was called & asked what he said to those

base speeches mentioned in y^e testimonyes of Edward Preston & Edward Turner, to w^{ch} he answered that they were base speeches indeed, but they were not spoken by him, if he had so spoken he should not have beene vnwilling to suffer; he alleadged y^t one spake of a time as they were going betweene Dorchester & Boston, & the other cannot say where he heard it, & besides y^t they have a grudg against him. It was asked why he objected not these things before the witnesses, he said y^t he did object, but was told y^e ground why he objected was not sufficient.

[177] || Sargeant Baldwin further said, y^t Edward Preston sd y^t Rich. Marshall being oft left in charge with y^e vessell was gon frō the vessell, & he supposed y^t when he was asked where he had been he sd at M^r. Whitmans, & when he came he was not fit for his business.

The Court haveing thus far heard, declared, as for Richard Marshall, they take notice of base & sinfull speeches spoken by him, w^{ch} words call for corporall punishment, but being y^e first time, the sentence was that he pay 20^s fine to y^e jūrisdiction.

For John Baldwin he hath rendered himself a suspitious man to be the father of this childe, who hath confest that he hath beene with her at vnseasonable times, kist her, & there is no other accused by her, they declare y^t they should wait to se what the pvidence of God will discouer concerning him, in the meane time they leave him as a man vnder suspicion, & require y^t he putt in security to 50^{li} vallew, out of his land at Milford, to attend y^e court further in this matter when he is called for, w^{ch} 50^{li} he then engaged.

And for Bethiah, she is guilty of a horrible sinn, for w^{ch} she must be accountable before God & to this court; she was told that she hath to doe with an allseeing God, who can write her sin in her forehead, who is a jealous God, & will not be dallied with. For her appearance at y^e court when she is called for, M^r. Whitmā now before y^e court engaged.

M^{rs}. Goodyeare & her children by M^r. Lamberton p^rsenting themselues before the court, she desired that y^e portions w^{ch} remaine vnpaid dew to the children, might be set out by

y^e court, vpon which pposition it was demanded of Willm Trowbridge, y^e husband to Elizabeth Lamberton, what he had received of Mr. Goodyeare of the portion dew to his wife, he said 60^{li}, w^{ch} with her part of the land of Mr. Lamberton, was found neare 12^s too much, w^{ch} he pmised to be accountable vnto y^e estate for. M^{rs}. Goodyeare further desired that certaine houshold goods mentioned in a writeing she gave in, w^{ch} contained the better part of them, might be part of the said portions, w^{ch} was declared to be no more then the necessity of their family cald for, w^{ch} y^e court takeing into consideration & judging it better for y^e estate y^t all y^e houshold goods goe together, appointed her y^e whole, also at her desire granted that all y^e cattelle, sheepe, horses, mares, hoggs, carts, plowes, mentioned in y^e inventory, should also go towards y^e discharge of the said portions, y^e remainder was left to be set out by Newhaven court, in land or otherwise as they shall see cause.

Hannah & Hope Lamberton, being at age, were appointed to receive their portions, w^{ch} they desired might be delivered to their mother, for w^{ch} they are to give a discharge to Newhaven court.

Deliverance, who is to have a double portion, & Mercy, Desire, and Obedience, chose their mother for their guardian, who accepted & y^e court approved, vpon condition, as they [178] told her, that if she || should change her condition, or that y^e portions of them vnder age should be in a wasting way, or vpon any other iust cause, they leave it to Newhaven court to call for & require security, or otherwise to dispose of the estate y^t y^e children vnder age be not wronged.

It was also propounded y^t M^{rs}. Goodyeare might have & enioy for her life, a third part of all houses & lands whereof Mr. Goodyeare stood posest at his death, according to or printed law in y^t case, & that the thirds of Mr. Lambertons houses & lands, hers before by vertue of a former law in force w^h M^r. Lamberton died, might be reserved entire to her, w^{ch} ppositions in the behalf of M^{rs}. Goodyeare, the court at p^rsent saw nothing but it might be granted.

M^{rs}. Goodyeare haveing resigned y^e estate of Mr. Goodyeare

vnder the power of Newhaven court y^t so it might more fully appeare that she desired that rules of righteousness might be attended (as far as could be) towards y^e credito^rs, this court takeing y^t matter into their consideration, did in psuance of y^t end, order that y^e secretary should set vp a writeing at y^e meeting house dore at Newhaven, the contense whereof is as followeth,

This may certifie those whō it may concerne, y^t whosoever is debtour or credito^r to y^e estate of M^r. Stephen Goodyeare, late of Newhaven deceased, is desired to bring in an acc^o thereof to W^m Gibbard, secretarie at Newhaven, betwixt this & y^e court of magistrates to be held at Newhaven y^e second day of the weeke next before y^e court of election, the 4th day of the last weeke in y^e 3^d moneth, comonly called May, next, at w^{ch} time y^e court will heare & consider of the seuerall debts demanded & y^e prooffe made concerning them, & so order and dispose of y^e estate as they shall then see cause & ground for, that righteousness may be attended as far as light appeares.

M^r. Peirson, plant'. } Before the declaration of the case y^e
Jo Cowp. and Math: } plant' p^rised that he did not judge
Moulthropp, defendts. } it vnlawfull for a minister of the
 word to p^rsent his case to y^e judgment of y^e magistrate, for y^e
 determination of such civill controuersies as may arise betwixt
 themselues & others; for were it so, then should they be in
 worse case in y^t respect then other men, but he had not beene
 forward this way, but had offered to these two bretheren to
 put y^e matter in question to arbitration & not be brought to
 publique triall, but they told him y^t it concern'd an absent
 man, therefore they thought it needfull to be determined by
 y^e court; w^{ch} being spoken, y^e plant' in ā action of the case
 declared concerning a black dun mare taken vp & detained
 by y^e defendt^s. But in y^e psecution of y^e action, y^e plant. find-
 ing himself not p^rpared in poynt of testimony, at his desire it
 was deferred till y^e next court.

~ The third day of Nouemb^r next was appoynted for a day of
 thanksgiveing through y^e jurisdiction for y^e mercyes of the
 yeare past.

[179] AT A COURT OF MAGISTRATES HELD AT NEWHAVEN
FOR THE JURISDICTION, THE 23th OF MAY, 1659.

William East being by y^e court at Milford bound in a bond of 50^{li} to attend this court appeared not, but instead thereof sent a petition to excuse his non-appearance, w^{ch} was p^rsented & read; w^{ch} being done, Mr. Fenn declared y^t the said William East being found drunke, he acquainted their deputies with it & according to the sentence of this court, the 21th of Octob, 1657, he was set in y^e stocks at Milford, & further he declared that he hath beene drunke since his stocking, & y^t he himself saw him so in his owne house, wherevpon he made enquiry where he had it, & vpon enquiry found y^t he had broached an ankor of liquors in his owne house, & y^t he spake to him as he could to shew him y^e greatnes of his sinne, & told him y^t if he would not dispose of the liquors within 24 houres, he would send y^e marshall to seaze it to p^rvent the abusing of y^e creature, but withall promised him y^t it should not be embez-zelled nor wasted, nor should he be hindered from selling it, & y^t y^e s^d W^m East gave threatening words, saying if the marshall come, he had best to looke to himself; further Mr. Fenn s^d y^t about y^e time of 24 houres he sent the marshall to looke after it & it was sould; w^{ch} being related, y^e court declared y^e bond of 50^{li} to be forfeited & may be cald for when y^e court sees cause; as for y^e petition p^rsented, they reject it, & doe require y^t W^m East make his appearance at Newhaven at y^e next court of magistrates.

John Heardman being bound ouer to y^e court, appeared, who was told y^t he was to answeere for great & gross mis-cariages by him committed at Milford, w^{ch} Mr. Fenn, being desired, more pticularly declared y^t Jō. Heardman being at Milford, he was informed y^t he was drunke, wherevpon he wrote a warrant & sent it by y^e marshall who found him in y^t case, who required Jō. Heardman to come before him, who came a little way but at last hitt his hatt o the ground & bid the marshall touch him if he durst, so y^e marshall laid hold on him & gave him a fall, but y^e s^d Heardman was very vn-ruly & kicked him y^t was to assist the marshall, but at last

they brought him before him, wherevpon he told him y^t he had heard y^t he was drunke, therefore he had sent for him to see the trueth of it, but Heardman denyed that he was drunke & vsed many turbulent expressions, though he gave him no occasion, & said y^t he would tread him vnder foote, as he had done him; further Mr. Fenn said y^t he told Heardman y^t he was drunke as appeared by his reeling & staggering & ill pnouncing of his words, y^e word justice in pticuler, w^{ch} he bid him express plainly but he could not; further y^t he told him y^t he was vnder y^e breach of y^e law & had beene formerly punished by y^e court, & y^t now he should go on in such a way did greatly aggravate his fault, to w^{ch} Heardman answered y^t y^e lawes were his will, or words to y^t purpose, to w^{ch} he replied y^t y^e lawes were not his will, but he hoped according to y^e will of God; after this Heardman threatened him & said, [180] if he had him out of y^e jurisdiction where || he could have justice, he would deale wth him; to w^{ch} Mr. Fenn said he answered, y^t he had iustice heare by y^e court who had for former miscarriages laid a fine vpon him, some part of w^{ch} he had secured, but had withall told him y^t if he would see his sin & give satisfaction to his wife & others y^t he had wronged, he would remitt a considerable part of it, or if y^e court would take a review & punish him another way he would submitt it againe to them. Mr. Fenn further said y^t he kicked y^e marshall & called him begger, & said y^t he would lie & sweare to any thinge, vpon this he bid the marshall put a locke vpon him, & told him y^t he must goe to Newhaven except he put in security, w^{ch} he refused to doe, & was comitted to y^e marshall, but afterwards security was given for his appearance.

Tho: Wheeler y^e marshall was told if he any thinge to add to what Mr. Fenn had said, he might speake, vpon w^{ch} he declared y^t the generallity of the things spoken by Mr. Fenn he remembers, & further to make it appeare y^t y^e said Heardman was drunke he declared y^t when he came to fetch him before Mr. Fenn, he spake words he vnderstood not, calling vpon Mr. Pell to give him his oath, to w^{ch} when he answered he was no magistrate, Heardman replied y^t he was a magistrate. Y^e marshall now further sd y^t when at last he was

willing to goe to y^e magistrate, he sd he would have him to y^e magistrate.

John Heardman was now asked if he owned this y^t was alleadged ag^t him, he said he owned all, but excused it as he could, saying y^t he was ouertaken by drinke of rum. The gouernour told him, were he a well conditioned man at other times, his excuse were y^e more to be regarded; to w^{ch} he answered y^t he was neuer so before, but was told that he knew the contrary was proued, & y^t his carriage hath not been only thus offensive when he is drunke but at other times also, w^{ch} to make appeare, Tho: Wheeler affirmed y^t on y^e morrow morning he sd he was a very rogue & rascall, & y^e very scum of y^e country; to w^{ch} Heardman answered y^t he knew not y^t he slept a winke all night, & y^t it was two dayes before the drinke was out of his head. Heardman was asked how much liquours they had, to w^{ch} he now answered he knew not how much, whether 3 or 4 quarts; he was asked how many were at y^e drinking of it, to w^{ch} hee answered y^t there was himself & Cable, & Post, & Lockwoods sonne, w^{ch} y^e court witnessed against as an excesive quantity for so small a company, w^{ch} y^e court will consider of.

Mr. Fenn further exprest y^t Heardman hath said that he hath freinds would speake for him, being asked who, he named Sargeant Baldwin, but he now said y^t Sargeant Baldwin had alwayes given him good counsell; to w^{ch} it was said, had he given him more good counsell & less liquors, it had been well; wherevpon Joseph Waters informed y^t he vnderstands y^t there was half a score that dranke of this liquors, but proued it not, but Mr. Fenn added y^t Post was not as he should be, & that it was reported that at y^t time some y^t came this way could scarce gett vp vpon their horses, nor sitt when they were vp. Heardmā was told y^t had it beene a single fact, though in a grosse degree, y^e court might have exercised lenity towards him, but when it is spoken off as a thing vsuall to be drunke, they saw not but he must be made an example vnto [181] others. Heardman confessed y^t he was of || a hasty spirit, but was told y^t it were to be wished y^t he were not of a malicious spirit against goodnes & those in authority, & y^t he

declared himself to be a sonne of Beliall, not subject to any yoake, and y^t if all men were of his frame, it would be a hell vpon earth & no liveing among them.

Mr. Fen propounded y^t if John Heardman would have a reveiw of any past action he would answere him, to w^{ch} he answered y^t he had nothinge against M^r. Fenn.

The Court haveing heard y^e pticulers alledged & proued against John Heardman, declared y^t they looke vpon his miscarriages as exceeding great & greatly aggravated, giveing out threatening speeches, trampleing the magistrate (as it were) vnder his fecte & y^e lawes of y^e jurisdiction, saying they are the wills of men, kicking y^e marshall, &c., declared that his miscarriages call for corporall punishment, but he being not well, they would not pceed y^t way, but by way of sentence ordered, y^t Jo. Heardman pay 10^{li} fine to y^e jurisdiction, & y^t he put in security such as y^e court shall accept for his good behaviour whilst he stayer in y^e jurisdiction, in y^e meane time to lye in prison at his owne charge till security be given, & if this sentence be not pformed y^e court will consider some other way.

Sigismund Richalls of Brandford engaged himself & estate to the vallew of 50^{li} for the good behaviour of J^o Heardman for a moneth, & then to dd him to y^e marshall if he answere not y^e sentence in y^e meane time.

The Court declared y^t according to a writeing sett vp at y^e meeting dore, by order of the court in October last, that any y^t have any claime to make to any part of y^e estate of M^r. Goodyeare deceased, they may now speake & y^e court will heare them & consider of y^e grounds of such claime.

M^r. Henry Woolcott p^rsented 2 bills vnder M^r. Goodyeares hand, both bearing date August 25, 57, y^e one for 179^{li} 19^s, whereof 157^{li} was to be paid in money in London, y^e rest in currant country pay, y^e other bill for 117^{li} 5^s 0^d, whereof he hath received 62^{li} 9^s, y^e remainder is 234 15^s, w^{ch} prooffe y^e court accepted, he also pleaded for damages w^{ch} was left to further consideration.

M^r. Crane & M^r. Auger in y^e behalf of M^r. Hickcox of Lon-

don, demanded 40^{li} wth allowance for 8 yeares; y^e 40^{li} was allowed, y^e forbearance left to be further considered.

Christopher Tod demanded, & by bill proued, a debt of 8^{li}.

Tho: Dunke of Seabrooke, by his attorney John Cowper, demanded 11^{li} vn^{pd} of a bill of 50^{li}, w^{ch} y^e court at p^rsent saw not but it must be allowed.

A bill from Mr. Goodyeare to Mr. Willm Paine of Boston, dated July 30, 57, was p^rsented, & by it 10^{li} 15^s 3^d demanded, w^{ch} was allowed.

A debt of 4^{li} 4^s dew frō y^e estate to Mr. Nicholes of Seabrooke was allowed.

The inventory of y^e estate of Mr. Goodyeare was shewed to y^e credito^rs y^t were p^rsent, as also another writeing wherein was contained y^e estate remaining, Mr. Lambertons children being paid, & M^{rs}. Goodyeares thirds by her demanded to be deducted, as also y^e bookes of Mr. Goodyeare were p^rsented, & withall it was propounded to y^e credito^rs, y^t if any of themselves or any other fitt men that they should appoint would take paines to serch y^e bookes & make vp accounts wth such as should be found debto^rs, & gather in & p^rserve y^e estate for y^e vse of the credito^rs, & put it in a way (by sale of lands or otherwise) y^t it may be y^e better fitted for distribution amongst y^e credito^rs in Octob^r next, y^e court would authorize them therevnto.

[182] || Some questions also were propounded by y^e credito^rs concerning y^e equity of M^{rs}. Goodyeares thirds, but nothing issued to make void her claime. Sundry demands were made vpon y^e estate besides those before mentioned, but the business not being sufficiently p^rpared for a full issue, hoping also y^t in y^t time we may have intelligence from England, y^t if any business concerning the estate come thence, it may also be considered; in the meane time it is left wth Newhaven court to receive such prooffe of debts demanded as is brought to them, y^t so a finall issue (if it may be) may be putt to this matter, the 17th day of October next at one a clocke, w^{ch} is y^e time agreed vpon by y^e court to meet & consider of this matter, as shall be declared by a writeing set vp at the meeting house dore at Newhaven, by order of this court this 23th of May, 59.

William Grave being warned to y^e court, made his appearance, but the planteife ^ appeared not to psecute.

Edmund Barnes, a marriner & Quaker, being found ashore was called before the court & examined, who being found weak in his way, & it not beinge proued that he had vented y^e Quakers pnitious tenents, was comitted to the marshall to be carried aboard, & he warned not to come againe ashore wthout license, & y^e marshall ordered to serch for & seize any Quakers books he should finde, & bring them to the court. It was also demanded of the m^r of the shipp, wherefore he brought Quakers amongst vs contrary to o^r law; hee pleading ignorance, & promising to doe his endeavour to keep him aboard & to carry him out of the jurisdiction, was not further pceeded against at this time.

<i>Leiftenn^t Nash,</i> <i>Gervase Boykin,</i> <i>James Bishopp,</i> <i>Rich: Baldwin, defendt^r.</i>	}	<i>plant^r.</i>	}	<i>Leiftenn^t Nash, Sargeant</i> <i>Boykin & James Bishopp,</i> <i>as agents intrusted in y^e</i> <i>behalf of y^e estate of Sam-</i> <i>uell Caffinch deceased, in an action of the case declared</i> <i>against Richard Baldwin of Milford, concerning a gray mare</i> <i>about 4 yeares ould, branded on y^e neare shoulder with a S,</i> <i>wth a nach on y^e further eare, her vsuall walke beinge betweene</i> <i>Oyster River & Walnut tree Hill, or the parting of the river,</i> <i>wth a colt belonging to her; w^{ch} mare they conceive was</i> <i>taken vp by Richard Baldwin & sometime detainēd by him, &</i> <i>since sent out of the jurisdiction, & y^t after he knew they laid</i> <i>claime to her as belonging to y^e estate of Samuell Caffinch.</i>
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Mr. Walker in y^e behalf of Richard Baldwin appeared to answere y^e sute. Letters of attorney authorising both planteifs & defendt^r being p^rsented were approued, but Mr. Walker declared y^t he had no order concerning the colt, only what they had to say concerning the mare he would answere to; he was told y^t if y^e mare was proued theirs, y^e colt belonging to y^e mare would be found theirs also.

The defendt^r desired to know y^e grounds wherevpon they laid claime to this mare, the markes, both naturall & artificiall, spoken of by y^e planteifes, being the same as theirs hath, & denied y^t Rich: Baldwin had any foreknowledg that they

laid claime to her before she was sent out of the jurisdiction, & affirmed y^t it was neuer Rich: Baldwins mare, but alwayes half Mr. Pells, & y^t Rich. Baldwin was not the principle [183] agent, but Mr. Pell, & that Sargeant Baldwin || was only imployd by Mr. Pell, whose the mare now was, & further y^t y^e mare was not fetched vp by any order from Richard Baldwin, but was brought vp by accident, & he saw not but if it were lawfull for them to take her vp & make him to cleare his title in this jurisdicōn, but y^t it was lawfull for Mr. Pell to put them to cleare their title in another jurisdiction, & besides he knew not how Sargeant Baldwin could withhold her, being the mare was Mr. Pells; but he was told that he might have gone to y^e magistrate, & acquainted him y^t the mare was claimed by another, & y^t shee ought not to be sent away before the case was cleared.

The plaint'. further declared that they conceived y^e case was thus, there was a partible stocke betweene Mr. Pell, in y^e behalf of Phillip Scott, & Richard Baldwin, w^{ch} after some time came to be devided, & y^t in y^e devision there was a gray mare spoken of, half of w^{ch} mare fell to Mr. Pell, & y^e other half he bought, w^{ch} mare vpon y^e first sight by Edward Camp was to be accepted by Mr. Pell as deliuered, w^{ch} they conceive was the mare in question, & being delivered, Mr. Pell sould her colt to John Gibbs, vpon w^{ch} occasion John Gibbs being at Fairfeild, speaking with Mr. Pell, he told him y^t Rich: Baldwin had sent to him to fetch the mare away, for others laid claime to her, but Mr. Pell said, if it were theirs in Newhaven jurisdiction it would be theirs there also, y^e substance of w^{ch} discourse was now by Jō Gibbs affirmed in court to be so; for the further clearing of y^e case, y^e plainteifs further declared, that towards y^e end of y^e last winter, they imployed Edward Camp & Edward Dormer to looke vp the mares belonging to y^e estate of Sam: Caffinch, what past betwixt them as they went they desired y^t they might declare, vpon w^{ch} Edward Campe first declared, y^t before this time Rich. Baldwin had desired him to bring vp such a gray mare, w^{ch} he described, & y^t hee asked him if he knew her, he told him he knew such a one, but whose she was he knew not, he had heard y^t Samuell

Caffinch had such a one but he knew not his stocke, & y^t he told him that he expected if he brought her vp that he should be paid for his laboure whether it were his or not, w^{ch} Richard Baldwin said hee would doe, & y^t if it were his, hee would owne her, if it were not his, he would turne her out againe, & y^t after this he told Leiftenn^t Nash y^t he was desired to bring vp such a mare by Rich: Baldwin, vpō w^{ch} Leiftenn^t also desired him to bringe her vp, & said if we have her they shall proue it theirs before we let her goe againe; Edw. Campe further said y^t after he had seene the marke o^r y^e mares shoulder, he told John Burrall y^t it differed frō Rich. Baldwins, to which he answered, so it did frō Sam: Caffinches, y^t might be in y^e setting on, vpon y^t he told Leiftenn^t y^t it was said y^t their brand agrees not wth y^e S. vpon the mare, to w^{ch} he answered that they had two S^s., one of w^{ch}, when he had seene at Sargeant Boykins, he found it did agree wth that vpon the mare, w^{ch} being found & driven to Mr. Whitmans yard, Richard Baldwin owned her, afterwards being broke out or putt out, y^e stocke came to be divided, & half this gray mare fell to Mr. Pell, who bought the other half, who was to accept her as delivered at his, viz., Edward Camps, first sight of her, afterwards going out wth Edward Dormer, by y^e appoyntment of Leiftenn^t Nash & Sargeant Boykin, to looke vp y^e mares belonging to Samuell Caffinch, as they went along in y^e woods he, not knowing them, enquired of Edward Dormer what ones they were, Edward Dormer told him y^t one was a gray mare about 4 yeare old, wth a strait S. on the neare shoulder, [184] which || had her walke betweene Oyster River & Walnutt tree Hill or thereabouts, as soone as he heard this, he told Edw: Dormer y^t this was y^e very mare w^{ch} Richard Baldwin laid claime to, w^{ch} they were to looke vp for him. Being come neare to Oyster River they parted, Edward Dormer finding the mare, he called to him & sd^t heare is Mr. Caffinches mare, to whom he replied that this was y^e mare y^t Rich: Baldwin had desired him to bring vp for him. Edward Dormer desired him to help him to bringe her to Newhaven, but he refused, & told him y^t he thought it not faire so to doe, being hee had vndertaken to bring her vp for another; after this he

coming to Newhaven, he told Leiftenn^t Nash what had past & the reason why hee would not bring her home, Leiftenn^t desired him to send Rich Baldwin word that they laid claime to this mare for Sam: Caffinch, & to desire him y^t they might have a sight of y^e mare; accordingly he did send to him by Jō. Burrall, who said he told Richard Baldwin y^t Leiftenn^t Nash claimed the mare for Sam: Caffinch; afterwards hee told Richard Baldwin at Milford y^t y^e mare was claimed, how & by whom, & y^t Edward Dormer had given such descriptions of the mare before he saw her y^t it tooke such impression vpon him y^t he thought it was Sam: Caffinches mare, & y^t Edw. Dormer would take his oath of it, & y^t the markes did agree with another of his w^{ch} they had taken vp, & that he told Richard Baldwin that he vnderstood that he marked on y^e other eare, to w^{ch} he answered y^t his wife by mistake did marke it on y^e wrong eare when it was a colt, & further y^t he told Rich: Baldwin y^t he doubted if it came to tryall he would be cast, though it were his mare, because this did agree wth Mr. Caffinches booke; he further affirmed that Richard Baldwin asked him, when he saw y^e mare last, and where her walke was, but said nothing of her being in his barne, where afterwards he saw her at y^t time. It was further said y^t soone after this time she was sent away out of the jurisdictiō; vnto w^{ch} the defendt replied y^t he might well make this enquiry after her, y^t so he might be y^e more confirmed that this mare was his.

The plainteifs further alleadged, the business haveing thus far proceeded, y^t afterwards two of them, viz, Leiftenn^t Nash & Sargeant Boykin, went ouer to Milford & debated y^e matter with Rich: Baldwin about this mare; at first he was all for a legall proceeding, but they pressing him y^t it might be ended in a way of loue, at last he came to this, y^t he would come to Newhaven & debate y^e matter before y^e gouernour, but it seemes he fell sicke & so y^t agreem^t was frustrated; after this they peured James Bishopp & Edward Dormer to goe to Fairefeild to see the mare, who veiued her & doe judg, as they will testifie, that they ap^rhend it to be y^e mare belonging to y^e estate of Sam. Caffinch.

The defendt pleaded that they could not give in y^t evidence as otherwise they might, being M^r. Scott, who had y^e principall knowledg of this mare, was out of the country; he was asked why y^e mare was then sent away, being the man y^t knew her best was at such a distance, but withall he was told y^t y^e mare being now but foure yeare old, it was not likely y^t he should have such knowledg of her, he haveing been absent soe long as he hath been. The defendant further declared, that he thought it reasonable y^t M^r. Pell had liberty to plead in y^e case, being y^e mare is his, vnto w^{ch} Sargeant Boykin replied [185] that M^r. Pell beinge || at Newhaven, he told him that the matter was to be heard before y^e gouernour, & asked him if he would be p^rsent, & y^t M^r. Pell said no, he had nothing to doe in it, he had y^e mare of Rich. Baldwin.

Mr. Fenn also said, when he gave Richard Baldwin order to be heare, he heareing y^t M^r. Pell was in towne, he sent two messengers to him to desire him to come & see if it might be issued, but M^r. Pell refused, & said he had nothing to doe with it. The defendt p^resented the testimony of Michel Tomkin & John Baldwin, w^{ch} is as followeth,

May 23th 1659. Wee, whose names are under written, do testifie y^t wee heard M^r. Pell say, (at Richard Baldwins house, the 20th of this moneth, vpon the question asked him if he did not appoint Richard Baldwin to send the mare to him,) that he appointed Rich: Baldwin to send her, & spake many words to y^e same purpose, & seemed to be very angry that they should make soe much trouble, & also he said, why doe they not sue mee as well as you, I have a part in her, if they cast you I have two leggs still, or to that purpose, also he said, hee gave Edward Campe 5^s to receive the mare, & y^t he had ordered him to brandmarke the colt, also he said, he let her be here a twelve moneth, y^t any might have claimed her if they could.

Michell Tomkin.

John B Baldwin.

The case being thus far heard, the plainteifes desired y^t for the grounds of their claime to y^e mare some further evidences might be taken & considred.

First Edward Dormer vpon oath testified that the first time he knew this mare was when it was a colt, sucking on a dun mare owned by M^r. Caffinch, w^{ch} colt was brought home &

branded before it was a yeare old, it was then a whitterish couler; in the second yeare he saw it, he supposed 10 or 12 times, & y^t yeare he brought it vp to W^m Gibbards yard, w^{ch} was then turned gray, & in the third yeare he saw it pretty oft in her vsuall walke betweene the Oyster River & y^e parting of the river, w^{ch} is the mare y^t James Bishopp & hee saw at Fairefeild.

James Bishopp vpon oath also testified that they had an acc^o of all y^e horses & mares left by M^r. Caffinch, in writeing, y^e naturall markes, brand markes & eare-marks, & y^e markes of this mare doe answere it, that was a whitterish couler when it was younge, afterwards turned to a white gray, he said he conceived he was at the marking of it, & y^t y^e mare when she was about two yeare old he saw in William Gibbards yard, where he observed y^e S was defective, she was now a white gray, & it was then said y^t it was M^r. Caffinches, y^e next spring he saw this mare betweene Oyster River & Milford necke, & y^t to y^e best of his knowledg or vnderstanding it is the mare w^{ch} they now saw at Fairefeild, w^{ch} is now in question.

Edward Campe also testified vpon oath, that being desired to goe out wth Edward Dormer to looke vp M^r. Caffinches mares, he not knowing them, he desired of Edward Dormer to know what mares they were, & y^t Edward Dormer told him y^t for y^e most part between Oyster River & y^e partinge of the river there was one of them, w^{ch} he described to be a light gray, with a long strait S on y^e shoulder, vpon w^{ch} he told him that y^t was y^e mare claimed by Rich: Baldwin to be his, to w^{ch} Edw: replied, it is M^r. Caffinch his mare, & y^t coming neare Oyster River they parted, Edward Dormer findeing y^e mare, he called to him & sd, here is M^r. Caffinches mare, & y^t he told him y^t it was y^t w^{ch} was claimed by Richard [186] Baldwin & y^t he further said || to him y^t he thought it not faire to drive her to Newhaven, being he had vndertaken to bring her vp for Richard Baldwin, & y^t when they came home, he told Leiftenn^t Nash, & y^e reason why they brought her not home, because he had vndertaken to bring her vp for Rich. Baldwin, & y^t Leiftenn^t desired him to send Rich. Bald-

win word, w^{ch} he did by John Burrall, & that afterwards he told Rich: Baldwin at Milford how, & by whom, she was owned, & y^t Edw: Dormer had given such a description of her y^t it tooke such imp^rsion on him what he said y^t he did thinke it was Mr. Caffinches; and further y^t he told Sargeant Baldwin, that he thought y^t Edward Dormer would take his oath y^t it was their mare, & y^t we had taken vp a bay mare of his, whose eare marke & brand marke doth agree wth this, and y^t he vnderstood that his eare marke did not agree with this, to which he answered y^t his wife by mistake did marke her vpon y^e wrong eare, wherevpon he told him y^t if it come to tryall, he doubted he would be cast, though it were his mare, & y^t at y^t time Richard Baldwin questioned with him about the mare, & asked where he saw her last, & y^t he told him at Oyster River hee saw her, but Richard Baldwin said nothing of her being in his barne, where anon after he saw her.

John Burrall vpon oath testified, that when he brought y^e mare to Mr. Whitmans yard, he told Richard Baldwin y^t he had brought vp y^e mare, vpon y^t Rich. Baldwin came, & wth him he thinketh Daniell Mun, at w^{ch} time he owned her to be his, and y^t after Edward Campe had spoken wth Leiftenn^t Nash about the mare Edw: Dormer & he saw at Oyster River, & Leiftenn^t had desired him to send Rich Baldwin word that they owned her, Edward Campe spake to him to tell Rich. Baldwin so, & he did tell Rich. Baldwin soe, but whether he did deliuer it as a message from them he remembers not, but tell him he did, & this was long before goodman Campes speech with Sargeant Baldwin at Milford.

The Court told the defend^t that he had heard y^e testimonyes given in by y^e witnesses for the plainteifs to proue this mare to be theirs, he had his liberty to produce what testimony he had to proue her to be his.

Vnto w^{ch} he answered y^t he had not time to gather vp y^e testimonies y^t might be given in in y^e case, having but one entire day betweene his warning & y^e time sett for his appearance, he therefore desired y^t there might be a demur, y^t they might come better furnished; to w^{ch} y^e plainteifs replied

y^t it was agreed betweene Rich. Baldwin and themselves a weeke before, that they should meet together at y^e gouvernours about this question, therefore he had occasion sufficient given him to have his witnesses in readiness, wherefore they judged it not reasonable, y^t they should be hindered y^t they might not have iustice in the case by such p^rences. The defend^t was asked what security he could give, (if a respitt were granted,) y^t y^e mare should be brought againe into y^e jurisdiction [187] for a legall triall, or whether hee || would not rather submitt the case to triall at this time, there haveing been as did appeare sufficient time for y^e procureing of any that might give testimony in y^e case; vnto w^{ch} y^e defend^t answered, for security he could give in non, & wthall he declared that he had nothing against a p^rsent issue now at this time, only he feared it might occasion another sute, but desired y^t if the mare was found to be theirs y^t he might have allowance for fetching her vp & other charges about her; vnto w^{ch} y^e plainteifs replied y^t it was an injury to them y^t she was fetched vp, & y^t it had beene better she had beene let alone in her walke in ye woods, where she was in good case, & desired y^t it might be considered as a publique disorder, & y^t some penalty might be laid on y^e partie offending, to deterr others from such courses, we having a law established y^t no horses or mares be sent out of y^e jurisdiction vnles they be recorded; vnto w^{ch} the defend^t answered y^t she was sould & delivered a yeare before the law was made & y^t he knew not but that she was recorded, Sargeant Baldwin himself being the man appointed by y^e towne to y^t service; he was told y^t she was sent out of the jurisdiction since the law was in force, & y^t it doth appeare she is not recorded, as James Bishopp now affirmed y^t M^r. Fen asking Rich. Baldwin whether or noe this mare was recorded, he answered he could not finde that she was, but he found a horse of the same age recorded, w^{ch} the plainteifs desired might be considered.

James Bishopp further said, y^t he conceived that y^e words of Rich: Baldwins wife would cast the case, for when he told her y^t this mares vsuall walke was about Oyster River, she answered that she then doubted it was not theirs.

The plainteifs desired y^t they might be allowed by y^e defendt y^e charges they have beene at in y^e prosecution of this business by his default, w^{ch} they gave in writeing, amounting to 3^{li} 17^s.

The Court haveing heard & considered the case, an issue being desired, both by plainteifs & defendt, by way of sentence it was declared, that according to y^e evidence given in, it doth appeare that y^e mare & colt in question doth belonge to y^e estate of Sam: Caffinch, w^{ch} y^e court orders Richard Baldwin either to returne in kinde, or pay for y^e mare 14^{li} & for y^e colt 10^{li} to y^e plainteifes in y^e behalf of y^t estate, wth 3^{li} 10^s for charges, (& 5^{li} as a fine to the jurisdiction for his irregular act in so sending y^e mare out of y^e jurisdiction,) betweene this & y^e court of magistrates in October next, w^{ch} sentence Mr. Walker engaged to answee, only he reserved liberty of reveiw or appeale as they shall see cause.

Hen: Tomlinson came to y^e court & declared, y^t when y^e business concerning him, about y^e customes & excise of wine & liquours, was vnder consideration by y^e court, it was found vpon y^e account y^t he had not paid for 5 hogsheads of wine, he also added y^t when he made vp y^e acco wth Ensigne Bryan there was 12^{li} paid, & y^t he had divers times desired to know from him what more was dew, but he sometimes told him he could not attend it, at other times he could not finde it, & at last he told him y^t it was dd to Mr. Fenn & Mr. Fenn had delivered it to the secretary or gouvernour, he further sd y^t he was fined for y^t w^{ch} came in vpon a falce account; he was told y^t he had full liberty y^e last yeare to object what he could, & to discount almost what he would, (so far as o^r law would pmitt,) so y^t y^e court shewed him a great deale of favour, for he was charged with a great delinquency, aboue what his punishment was; he confessed he had favour & thanked || the court for it, but said still y^t it came in vpon a falce account. He was asked what he intended in his speech, he said it was to shew y^t he had vsed endeavours to finde out his duty & y^t he had beene hindered by Ensigne Bryan frō attending his duty vntill punishment came vpon him, vnto w^{ch} Ensigne Bryan answered y^t it was long since, & y^t it had beene well he had had time to

have prepared himself to answer what is now objected against him, but he knowes not y^t euer he denyed to shew Hen : Tomlinson y^e account, nor y^t he said he could not finde it, for he entered those accounts in a booke w^{ch} he had for that purpose.

The names of John Corey, John Swasey, Mr. John Booth, Joseph Youngs sen., Thomas Rider, Edward Petty, Tho. More junior, all of Southold, being returned to y^e court for refusing to take the oath of fidelity, Jo. Corey, being p^rsent, was called & asked wherefore he refused to take the said oath, to which he answered, that he had tendered to take oath that he would be no traito^r nor conceale any treachery, but further he could not goe, as to binde himself to the obedience of such lawes as are yet to be made ; to w^{ch} the court replied, that he had beene forborne some yeares, but the thing must not be borne wth in any that live in y^e jurisdiction to psist therein, for y^e oath is safe, and not intended for a snare to any, for it is onely y^e wholesom lawes, made or to be made, that they are required to engage to submitt to ; he was told if the oath were put in these words, that he should be subject to the scripture , if psecutors should arise & say this is the meaning of such or such a scripture, (w^{ch} is not,) & punish him for not obeying, that touches not his conscience ; he was asked if he had any other meanes in view y^t he might vse for his satisfaction, he said no ; it was demanded if he would take y^e oath, but he refused, whereupon y^e court declared, that there are others of Southold whose names are also returned, & y^t although y^e court might proceed with him at this time, yet they would leave it till the court in October next, at w^{ch} time he with the rest are required to make their appearance, if in y^e meane time they take not the said oath & certify it to the court.

An inventory of the estate of Mr. Stephen Goodyears, deceased, was p^rsented, proued (in court at Newhaven, the 4th of January 1658,) vpon oath by M^{rs} ^ Goodyears, y^e widdow of y^e deceased, to containe the whole estate of Mr. Goodyears to y^e best of her knowledg, amounting to 804^{li} 09^s 10^d, besides a part in y^e iron worke vnapprizd, wth some debts at y^e Barbadoes & elsewhere, not knowne how much, &

some pipestaves yet to be appraised ; w^{ch} inventory was taken the 15th of October 1658, attested vpon oath by Leiftenn^t Nash; Will: Davis, Hen: Lindon & Tho. Monson, y^t y^e apprizment was iust, according to their best light.

The last will & testament of Tho. Nash, late of Newhaven deceased, was p^resented, made the first day of August, 1657, proued in court at Newhaven y^e 7th of December 1658, witnessed vpon oath by Mr. Mathew Gilbert & Mr. John Wakeman to be y^e last will & testament of y^e deceased according to their best knowledg.

Also an inventory of y^e estate of Tho. Nash was p^resented, amounting to 110^{li}. 16^s. 06^d, attested vpon oath to containe [189] y^e whole estate of y^e deceased by Timothy Nash || to the best of his knowledg, & y^t the apprizem^t was iust, according to their best light, was attested vpon oath by Mr. Jō. Wakeman & James Bishopp.

The last will & testament of Tho: Buckingham, late of Milford deceased, was p^resented, made the 19th of September, 1657, subscribed by Mr. William Leet, & by him witnessed to be y^e will & mind of the deceased.

Also an inventory of the estate of Tho: Buckingham, was p^resented, attested vpon oath before y^e court at Milford by Ann Buckingham, y^e widdow of the deceased, y^t it was a true inventory of all y^e estate & goods of her late husband to y^e best of her knowledg, w^{ch} amounted to 484^{li} 3^s 8^d. Robert Treat & John Flecher, the apprizers, vpon oath affirmed y^t y^e apprizem^t was iust, according to their light.

The inventory of the estate of Rich: Hughes deceased, was p^resented, amounting to 96^{li} 4^s 7^d, proued vpon oath in court at Guilford, the 5th of May, 59, by Willm. Stone & Mary y^e late wife of Rich: Hughes & now W^m Stones wife, for y^e quantity, & by y^e oath of Robt Kitchell and W^m Dudley for y^e vallew, also administration was then granted to y^e said W^m Stone, vpon promise & engagem^t to pforme y^e payment of all debts & portions according to y^e courts appointment.

Joseph Alsupp, attorney for Robert Gray of Salem, in an action of debt declared against Mr. John Wakeman for 20^{li}, according to a sentence of the court at Newhaven the 6th of

the 11th moneth, 1656, wth iust damages since that time for the nō payment thereof; the pceedings of Newhaven court at that time was now read, whereby it appeared that 20^{li} of the estate of Mr. Roberts in the hands of Mr. Wakeman was condemned, w^{ch} some of 20^{li} the plaint'. said he demanded of Mr. Wakeman, who told him that he should have it, but it not being done he demanded it againe, & he then told him that he would speake to Mr. Goodyeare, who had of Mr. Roberts his estate in his hand, that he should pay him, but Mr. Goodyeare not makeing paym^t, he demanded it of Mr. Wakeman a third time but could not obtaine it, after Mr. Goodyeare was gone for England he demanded it againe, & Mr. Wakemans answere then was, that the estate of Mr. Roberts was in Mr. Goodyeaes hand, but as for himself, he would not pay it, vpon that he desired & the court granted execution against the estate of Mr. Roberts in the hands of Mr. Wakeman, w^{ch} execution was served, but no estate could be found, he therefore desired the iustice of the court against Mr. Wakeman in this case.

Vnto w^{ch} Mr. Wakeman now answered, that what is alleadged by the plaint'. he doth acknowledg in part, & sd that he was present when the court gave sentence in the case, & that they both (as soone as the court was ended) spake wth Mr. Goodyeare about the paym^t of it, & Mr. Goodyeare then promised to pay it, & he ap^rhended that Joseph Alsupp accepted it, & pay was tendered in beife, & in so doing he conceived he had attended the court order in this matter.

The plaint'. granted that pay was tendered, but it was in [190] stinking beife || w^{ch} was no way merchantable, but denied that he euer accepted Mr. Goodyeare so as to release the defendt., w^{ch} if he had done Mr. Wakeman would have called for a discharge, w^{ch} he neuer did.

The Court demanded in whose hand the estate of Mr. Roberts was left, to w^{ch} it was answered that the trust was left wth Mr. Wakemā & Mr. Ling, but Mr. Ling being gone, the sole power was wth Mr. Wakemā, & y^t non could interpose but by his order, both w^{ch} Mr. Wakeman granted, but wthall

said that the sentence was against y^e estate of Mr. Roberts in his hand, but he had nō of the estate in his hand.

To w^{ch} it was answered, if it were in his power as it appeares y^e sole power of that estate was wth him, it may then be said that y^e estate was in his hand, & he objected not against it when y^e sentence was past, w^{ch} had he done, it might have beene considered, but as it is, what reason can be given why he should not be responsible, being he let the man goe before the debt was paid, in whose hand he saith y^e estate was.

To w^{ch} Mr. Wakeman answered that y^e debt was due from Mr. Roberts, & not from himself, & that he had nō of the estate in his hand, & y^t Mr. Goodyeares pay was tendered, & Joseph Alsupp neuer said that he would not accept of Mr. Goodyeare for his paym^r whilst Mr. Goodyeare was here, but now Mr. Goodyeare being dead he comes vpon him for it, w^{ch} might have beene paid had not Joseph Alsupp neglected it, & he findeth that among other accounts Mr. Goodyeare gives it in as paid.

Vnto w^{ch} the plaint'. replied that it was out of tenderness to Mr. Wakeman y^t he forbore it so long, & y^t he vnderstands that though his name be in Mr. Goodyeare booke, yet there is no sōme, but it is left a blanke, but paid by Mr. Goodyeare he was not.

The Court told Mr. Wakeman that it is beleueed that he had spoken to Mr. Goodyeare to pay it, but the thing is not done, & now Joseph Alsupp came vpon him by law for the debt, & it is not proued that Mr. Goodyeare was accepted by Joseph Alsupp, who denyes it, & that he onely haveing the power of y^t estate, & Joseph Alsupp haveing noe power to require it of Mr. Goodyeare by law, it seemes that it is by his meanes that he suffers, & they were both told that p^rsumption & forbearance hath done wrong in this busines, but being it was like to fall on Mr. Wakeman to pay it out of his owne estate, it was propounded to the plaint'. whether he had not power to compromise the businesse, that it might not fall so heavy, vnto w^{ch} he answered y^t he could not doe that, being it concern'd an absent man, but desired the iustice of the court.

The Court haveing heard the case thus p^rsented both by

plaint'. & defendt. declared that the sentence of Newhaven court, w^{ch} Mr. Wakeman heard & owned, should have beene a obligation vnto him to see the estate forthcoming for the payment of the debt demanded, who had y^e sole power of that [191] estate || deuolued vpon him, & did *the* therefore order, y^t Mr. Wakeman shall pay to Joseph Alsupp 20^{li} for the vse of Robert Gray of Salem, but the damages demanded, wth the charges of y^e court, to be borne by the plaint'. who hath not seasonably psecuted in this busines, & thereby occasioned loss to y^e defendt.

Tho: Staples, plainteife, } The plaint' in an action of
Deliverance Lambertō, defendt. } debt to the vallew of 80^{li},
 declared ag^t the defendt, but after sundry allegations, pleas,
 answeres & replies, wth seuerall testimonyes given in the case,
 the plainteife withdrew his action.

The busines depending the last court concerning John Baldwin & Bethiah Hawes was now called vpon, & John Baldwin was told y^t it was supposed that he remembered what past the last court concerning them, he was asked whether he had any thing to say in acknowledgm^t of h^s evill.

To w^{ch} he answered, that what was charged vpon him by Bethiah was falce; he was warned not to add sin to sin by further denials if he were guilty of what was charged vpon him by Bethiah, who hath said it, & it is like would say it againe, & there are leading circomstances that looke y^t way; but he said he was not guilty of what was charged by her.

Bethiah was asked what she now said to what she had charged vpon John Baldwin, who was also warned not to add sin to sinne, but if she had falcely charged him, that she would now retract it. Bethiah answered that she could say noe other then what she had said concerning him. The deposition of Samuell Burrall & Joseph Hakins was p^rsented & read, who both testify, that in y^e winter season they did see John Baldwin come in at Mr. Whitmans house in the evening, & then Bethiah Hawes & he went out together & stayed some space of time together & they came in together into the house, & further sayeth not.

John Baldwin was told that it seemes they come together &

go together at vnseasonable times, as the aduress y^t Sollo-
mon sayes walkes in the twilight; to w^{ch} John Baldwin
answered y^t he went to borrow a horse, but was told that they
two went out together & stayd some space of time together,
though the borrowing of a horse be p^rtended.

Alsoe the testimony of M^{rs}. Tapp & M^{rs}. Whitman was read
as followeth, who both testify that when they were at Bethiah
Hawes laboure, they heard Bethiah say that John Baldwin
had y^e vse of her three times, one time at the stable end, &
twice against the railles; further they say that she said he tore
her coat, & he said if shee would bring it to him he would
mend it againe.

To explaine M^{rs}. Tappes testimony, M^r. Fenn said y^t
Bethiah was delivered before she came; M^r. Fenn also desired
[192] that y^e examinatioⁿ || of Bethiah might be read, w^{ch} was
read, & therein it appeared that shee denyed familiarity wth
him any more times then one. Bethiah was asked why she
then said it was but once, to w^{ch} shee answered that she so
spake to make her fault appeare y^e less; she was asked why
she hath since said it was 3 times, she said because she was
prest to it; she was asked how long it was between the times,
shee said she could not tell; she was asked if it was euer after
Aprill, shee said no; if it was before March, she said yea.

John Baldwin was told that neither now nor before hath hee
shewed that sorrow for what is proued & confessed as he ought;
it hath appeared that he hath been with her at vnseasonable
times & that there carriages together hath beene vnsatisfying,
w^{ch} calleth for more sorrow then he expresseth before the
court, but the common fame sayes that he carryes it with a
jolly frame, w^{ch} rather encreaseeth then lesseneth the suspition.

The Court declared that they had heard wth greife what
hath appeared in this matter, & although y^e maine thing
charged be not proued, yet for the things witnessed against him
and confessed by him they did now order, that John Baldwin
pay as a fine to the jurisdiction 40^s, withall leaveing roome for
further pceedings as vpon further discoueries may be made; and for
Bethiah, they looke vpon her as a loose, vaine wench, who
hath beene found to be with child, the sentence therefore con-

cerning her was that she be seuerely whipped, so as may sute her sex, w^{ch} is to be done at Milford, that it may be a warning to any that have had sinfull familiarity wth her.

Arthur Smith of Southold, being sent ouer to answeere for seuerall great & gross miscarriages, was called, of whom it was demanded how he came to be corrupted wth y^e opinions of the Quakers, to w^{ch} he answered that he knew not that he was corrupted. But that he was both a corrupted man & a corrupting man, what was sent in writeing from Southold & therein witnessed against him was read, w^{ch} is as followeth,

Joseph Horton, junio^r; this deponent saith that Arthur Smith affirmed that if men would attend to that light is within them, it would lead or bring them to heaven. 2, hee affirmed that there was no diuell, either before or in Adams time. 3, he affirmed that either infants had no sin, or were charged with noe sin till they sinned actually. 4, he affirmed that he had no gouerno^r nor teacher but God, & further this deponent saith not.

Tho: Mapes; this deponent saith that Arthur Smith affirmed that he had no gouerno^r or teacher but God, & that mens lawes were corrupt, also he affirmed that the 7 churches in Asia were the 7 vialls, & that there was no such thing as 7 churches in Asia; lastly this deponent saith that haveing [193] demanded of || Arthur why y^e Quakers gazed or stared so in the faces of men & women, he answered him, that by looking on men they could tell whether they had the marke of the beast to be seen in their forehead & right hand, or no, & that hee himself could tell or discern it, but as for people themselues, they could not tell, & further saith not.

Charles Glouer; this deponent saith that Arthur Smith affirmed in his hearing that the churches & the 7 vialls were all one, and further affirmed, saying he whom you call your minister or teacher knoweth no more what they be then this child, poynting to one of his children, and affirmed that there was neuer any such churchs; moreouer he affirmed that he was not to submitt to mens lawes; to whō this deponent replied that he must be subject to gouerm^t in what part of the world soeuer he lived, & advised him to take heed how he spake against gouerm^t & pceeded in these wayes, lest he brought himself & family to misery, his answeere was, what have I to doe wth that.

Philemon Vicarson; this deponent saith that while he opposed Arthur in his nullifying of magistracy & ministry,

alleading y^t text, Ephe. 4, When Christ ascended on high he gave gifts to men, Arthur replied, that though there were gifts given to men, yet no power, & that this power men take to themselues & it is vsurped power; further, Arthur sd that their teacher was non of his teacher; and vpon further reasoning affirmed that children had no sin till they had acted the same in their owne psons; or constable Barnabas Horton was p^rsent & heard this discourse. Many other things at this time and at other he hath heard Arthur declare & speake to his greife, but he hath let slipp many of them, & further this deponent saith not.

Barnabas Winds, junior; this deponent saith that Arthur Smith affirmed in his hearing that the three freinds of Job w^{ch} came to vissit him, were the three persons in the Trinity, & further this deponent saith not.

May the 19th, 1659. These men deposed before mee,
Barnabas Horton.

Arthur Smith being examined & required to give answere to the seuerall pticulers before mentioned, the court finding his answeres to be both pphaine, absurd, conceited & ridiculous, he was warned to take heed of dallying with y^e fundamentall truthes of God, & was told that the court looked vpon him as a man of a pphaine spirit & disorderly way, that would ouerthrow the order & gouernment that God hath established in church & commonwealth, as one y^t hath spoken pphainely at the best, & blasphemously, as is testified by one witness, for which things, so far as they are fully proued against him & confessed by him, it was ordered that he be whipped, & that he be bound in a bond of 50^{li} for his good behavior for the time to come, to carry it in a comely & inoffensive manner, w^{ch} if he did not, he is to appeare here at the court of magistrates in October next, if he be not remoued out of the jurisdiction in the meane time.

[194] || In the case depending betwixt M^{rs}. Goodyeare & Thomas Mulliner, concerning the division of some lands in question, the court by way of sentence declared that they co^mitt the determination of it to W^m Judson, W^m Tuttle, John Cowper & Abraham Dowlittle, but in case they ágree not, they then have liberty to make choyce of a 5th man as an vmpire, who shall have power to cast the case; but in the division, they are to take care y^t M^r. Goodyeaes farme be not spoyled,

& that the conveniency of that part of the land called Mr. Hickcox lott, now appertaining to the estate of Mr. Goodyeare, be provided for with the rest, yet so y^t Tho: Mulliner be not frustrated of his due expectation, all things considered. John Brockit the surveyor is desired to assist in the business, who is to be satisfied for his paines, both formerly & now, by y^e seuerall parties interested, according to their pportion in the lands now in question.

Deacon Miles, in the behalf of Captaine Gookin, Gervase Boykin in behalf of Mr. Ling, & others made demands vpon y^e estate of Mr. Isaac Allertō deceased, but nō appearing to administer vpon the said estate, the business was respited vntill the court of magistrates in October next.

At the desire of John Faris of Stamford in writeing p^resented, the court granted that the halter, w^{ch} he by sentence of court the 30th of the 4th moneth 1657 was enioyned to weare, should now be taken off vntill further order.

An inventory of the estate of Clement Buxton was p^resented, taken the 3^d of September 1657, apprized by Rich: Law & John Holly, given in vpon oath by the widdow Buxton, her name Vnica, at a court in Stamford, May the 13th, 1658.

Rich: Law.

The last will of Peter Browne of Stamford was p^resented.
Stamford, August 19th 1658.

Witnesse,

Rich. Law, Francis Bell.

An inventory of the estate of Peter Browne deceased, prised by Francis Bell, Richard Law, Nouemb^r 29, 1658, amounting to [^], was p^resented, testified vpon oath by widdow Browne & Tho Browne in court Febr: 10th (58).

An inventory of the estate of Nicholas Thell deceased was p^resented, taken the 29th of Nouember, 1658, proued vpon oath in court December the 16, 1658, by widdow Thell.

[195] || An inventory of the estate of Jeremiah Jagggers, prised by Richard Law & Francis Bell, December 11th, 1658, was p^resented, given in vpon oath by Elizabeth Vsher, the wife of Robert Vsher, May 19, 1659, amounting to 472^{li}, 17^s 0^d.

Before Francis Bell,
Richard Law.

An inventory of the estate of Simon Hight deceased Sept. 8th, appraised by Francis Bell & Rich: Law vpon oath, Octobr 9th, 1657, amounting to 225^{li}, 01^s, 01^d, was p^resented.

An inventory of the estate of John Astin, taken by Richard Law and Angell Husted, Septembr the 5, 1657, vpon oath, was p^resented, given in vpon oath by the widdow Kathrine Astine vpon the 13th of May, 1658, in court in Stamford, amounting to 78^{li}, 08^s 04^d.

The will of Henry Ayckrily, the 17th of June, 1658, was p^resented, testified vpon oath by Francis Browne & W^m Oliver, Decembr 16, 1658.

Before Francis Bell &

Richard Law.

An inventory of the estate of Edward Hichcocke, late of New Haven deceased, was p^resented, amounting to 185^{li}, 10^s, 09^d, proued in court at Newhaven May the 11th, 1659. Deacon Miles & John Cowper testified vpon oath that the apprizm^t was iust, according to their best light.

Mr. Peirson, pastor to the church at Brandford, haveing vpon the 20th of October, 1658, declared in an action of y^e case against John Cowper & Mathew Moulthropp, concerning a black dun mare taken vp & detained by them, w^{ch} mare he judged to be his; for to make it so appeare he desired that some testimonies he should now produce might be heard & considered by the court.

First Richard Harrison vpon oath affirmed, that as he was seeking his mare, (that winter when the iron worke began,) by the farmes old fence side, there was a browne mare wth a small colt of y^e same couler, whether horse or mare he knowes not, afterwards coming to the farmes he was told that it was John Benhams; the same day (as hee apprehends) comeing to the water side, he saw the other pipestaff mare, with a browne colt like herself, much of y^e same couler, whether any white vpon her or not he knoweth not.

Tho: Harrison vpon oath testified that when he came to Mr^s. Gregsons farme, that mare that proues Westalls had a bay colt with her, w^{ch} was three yeares agoe last spring, w^{ch} colt he thought was about a yeare old, w^{ch} mare & colt, wth another y^t was with them, he droue to Southend.

Josiah Ward vpon oath affirmed, that he haveing occasion to come to the water side in Tho: Harrisons feild, he saw Westalls mare with a bay colt like herself, whether horse or mare he knowes not, w^{ch} was when the iron worke began. John Cowp, now in court, desired that it might be considered that Josiah Ward had said that he would not take his oath in the case; to w^{ch} Mr. Peirson answered, that Josiah Ward had told him that by the consideration of the circomstances he comes to the knowledg of the thing.

[196] || Josiah further vpon oath said that he being wth Mr. Peirson at the water side, he saw Mr. Peirsons mare, w^{ch} he sould to goodman Andrews, wth a dark dun colt, wth a star not very cleare, those were y^e markes w^{ch} hee tooke notice off, & that winter was twelue moneth Mr. Peirson sent him with his man to see after this colt, & when he saw this, hee apphended this was the colt, but he had no meanes betwixt these two times to keep the knowledg of it.

Jonathan [^], servant to Mr. Peirson, affirmed that he going often to looke this that goodman Andrewes bought y^e dam of, w^{ch} hee supposes is that now in question, he oft saw this dark dun colt with a star with the mare of his masters, the first winter sucking, & in the summer after, & the winter after that, he saw it the third time with Josiah Ward the third winter.

John Cowper desired that it might be considered that the time spoken of by the last witness was after they had bought y^e mare & marked her.

Sargeant Beckly testified that this colt bought by John Cowper of Westall, when it was going 2 yeare old, was for 5 or 6 moneths that summer in their neck, where (as he had occasion to looke vp his horse) he oft saw it, & that it was for couler enclining to a black. October the 20 (58), Edmund Tooly testified that in summer was three yeare, the mare of Westalls, or Lattimors had a colt w^{ch} he tooke to be a darke bay wth a seame in her eare where she had beene cutt, & this he takes to be the colt w^{ch} goodman Cowp bought.

Mr. Peirson in court said that he himself had known this colt frō time to time, the first yeare he oft saw it wth the mare,

in y^e latter end of the yeare he saw it in Mr. Eatons feild, March was two yeare he saw it at the water side, where he tooke notice of it, & y^t when brother Moulthroppe told him that he had bought half a mare, he asked what her couler was, what her markes were, where her walk was, to w^{ch} questions when he had given answere, he said then you have got mine; brother Moulthroppe replied, this is marked on y^e eare by brother Cowper, vpon w^{ch} he asked, when; bro. Moulthroppe answered about a fortnight agoe, to which he againe replied, then you have marked mine.

Vnto w^{ch} bro. Cowper now answered y^t Mr. Peirson being wth bro: Moulthroppe, they finding a company of horses where this mare was, Mr. Peirson when he saw her, asked what mare is this, so that it seems he had not such knowledg of her as he speakes of; to w^{ch} Mr. Peirson now answered, y^t it was his great desire to see this mare, because they had said that theirs was marked, he haveing lately seen his owne without a marke; bro: Moulthroppe & himself comeing neare y^e black rock, there past by a company of horses, bro. Moulthroppe s^d, there is not the horses we looke for; afterwards lookeing further among them, he asked bro: Moulthroppe concerning one of them, what is this, he answered this is the mare in question, when they had looked vpon her he asked bro. Moulthroppe where is the marke, he said it is o y^e eare, he replied there is nō, bro: Moulthroppe s^d it was grown vp; after they had turned her about, they saw J: D: on the further buttock. Bro: Cowp pleaded y^t it was at first questioned whether y^e mare had any colt, but y^t appearing to be so, now the question is about the couler; to w^{ch} Mr. Peirson answered y^t y^e ground of y^t was, John Thomas haveing said that Westall told him y^t his mare had a black colt at Wethersfeild, he was told by W^m Palmer y^t y^t mare had nō, but another mare of his had a black colt. - Bro: Moulthroppe said that he hath alwayes apprehended this to be the colt of Westalls mare, for the colt w^{ch} was with Westalls mare was a blackish bay, vnder the belly more browne, on y^e back more black, w^{ch} he saw at a moneth old & frequently afterwards, yet to take his oath of it he would not for a horse.

The Court findeing y^t notwithstanding w^t hath been

alleadged, both by pl & defendts, & what hath been testified by y^e witnesses in y^e case, that y^e question to whō this mare belongs remains doubtfull, they desired y^t they would either of them make choyce of a man y^t may veiw y^e mare & more fully informe y^e court, or bring her hither that she may bee seene by the court, that an issue may be put to this businesse.

[197] AT A COURT OF ELECTION HELD AT NEWHAVEN FOR THE JURISDICTION, THE 25th OF MAY, 1659.

Mr. Francis Newman chosen Gouvernor. Mr. William Leet chosen Deputy Gouvernor. Mr. Mathew Gilbert chosen Magistrate for New Haven. Mr. Robert Treat chosen Magistrate for Milford. Mr. Jasper Crane chosen Magistrate for Brandford. Y^e Gouvernor & Deputie Gouvernour chosen Comissioners, Mr. Crane the third in the election, if the providence of God should hinder either of the other. Mr. Wakeman chosen Treasurer. With Gibbard chosen Secretary. Tho: Kimberly chosen Marshall. All for the yeare ensuing.

AT A GENERALL COURT HELD AT NEWHAVEN FOR THE JURISDICTION, THE 25th OF MAY, 1659.

The Deputies for the Generall Court p^rsented their cirtificates, w^{ch} were approued; all for the yeare ensuing except Stamford, w^{ch} was only for this court.

There was p^rsent,

The Gouvernor,

Deputy Gouvernor,

Mr. Gilbert, }

Mr. Treat, }

Mr. Crane, }

Magistrates.

Deputies.

Leiftenn^t Jo. Nash, } New-
Ensigne Hen: Linton, } haven.

John Flecher, } Milford.
Tho. Welch, }

Leiftenn^t Chitenden, } Guilford.
Geo. Hubbard, }

Rich: Law, } Stamford.
Francis Bell, }

Mr. Wiſſ: Wells,	} Southold.
Barnabas Horton,	
Leiftenn ^t Swaine,	} Branford.
Lawrence Ward,	

Edward Wooster desired to know where & of whom he should receive pay for 7 wolues he hath killed at or neare Paugasett; he was told that if Paugasett stand in relation to Milford as a part of them, then he is to receive his pay there, but if they stand as a plantatiō or village of themselues, then they themselues must beare itt; neuertheless, it being thought by some that both Newhaven & Milford have benefitt by killing wolues at Paugaset, it was agreed that it should be recomended to both the townes to see what would be freely given him in recompense of his service in thus doeing.

Edward Wooster was also told that the encouragement given to the proprietors at Paugasett was in reference to a village to be settled there, w^{ch} y^e court now saw no likelihood [198] off, and || that in the way they were in, they saw not how they could attend their duty in reference to the Sabbath, being at such a distance from the meanes, w^{ch} the court would consider off; w^{ch} being debated & considered, it was ordered that if the place called Paugasset become not a village to the purposes formerly exprest by y^e court, betwixt this & y^e generall court in May next, that the place shall be deserted in reference to settled habitation.

The Court, (being informed of sundry complaints made (by such who are found defective in their armes) of y^e difficulty, if not impossibillity, of getting those defects mended,) did order, that where there is in any plantation any gunsmith or other smith, cuttler, joyner, or any other who is skill'd in mending guns, stocks for guns, swords, scabberds, or any other pt of millitary furniture enioyned by y^e lawes of this jurisdiction, he shall, (haveing p^rsent & due satisfactiō,) within one moneth after they are brought to him, attend y^e mending or fitting vp of the same; and the same is also required of them in reference to such as shall repaire to them for help in such cases frō any of the plantations wthin the jurisdiction, where such artists are not resident in the places where they live.

The Court also, haveing notice of the insufficiency of many guns w^{ch} are p^rsented to veiw, did recomend it to y^e seuerall plantations, as their duty to attend vnto, that euery man would furnish himself wth such a gun as may be serviceable, & did order that no gun of less bore then y^e standerd agreed vpon (w^{ch} is to be kept by the cheife millitary officer in euery plantation) shall be allowed as sufficient.

By way of alteration of the printed law, forbidding to sell wines or liquors (vnto w^{ch} cidar is since added,) vnto Indians, it is ordered y^t the penalty for the first offence shall no longer be 5^s, but 5^{li}, for the second offence not 10^s, but 10^{li}, w^{ch} shall be the one half to the informer for his paines and charges in the prosecution of the delinquent.

The Court haveing information of disorders in some of y^e plantations, by the retailing of cidar, did order that whosoever, wthout license from some magistrate or other authority where there is no magistrate, shall sell or retale any cidar by less quantity then 3 gallons, shall for the first offence proued, pay 20^s; for y^e second offence, 40^s; for a third offence, shall be bound ouer to the court, w^{ch} court considering the fact wth y^e agravations thereof, shall inflict such further punishment as they shall see meet.

Jonas Wood did againe p^rsent in writeing the desires of [199] the || towne of Huntington, to joyne in combination wth this colony, craveing liberty for the triall of actions to a greater vallew then is allowed to other plantations in the jurisdiction, w^{ch} y^e court was not willing to; he also ppounded that they might for some time be freed from payment of rates to the jurisdiction. The court granted that they should be freed for 2 yeares, pvided, that as they would be freed fro rates, so they should not be charginable to the jurisdiction; but nothing further was done at this time.

The petition of John Ridar of Hashamommocke, was p^rsented & read, wherein he desired to know whether they were part of this jurisdiction or not, & that they might be considered in reference to damage they sustaine in there meadow by a millpond belonging to the towne of Southold. Vnto the first the court declared, y^t they looke vpon them as

wthin y^e jurisdiction, according to the tearmes agreed vpon betweene y^e towne of Southold & the former inhabitants. To the second pticuler, Mr. Wells pleading that Southold sustained greater damage by them, the court could give no judgm^t in the case vntill they heard y^e allegations & proofes on either side.

John Holly of Stamford was allowed 30^s, (besides his charges now at New-Haven,) for his paines & care in gathering in the customs & excise of the towne of Stamford the yeare past.

John Fowler of Guilford, Lawrence Ward of Branford, Barnabas Horton of Southold, John Holly of Stamford, were chosen to receive the customs & excise of wines & liquors in the plantations wherein they live, for the yeare ensuing.

The customs & excise of the towne of Milford are let out to Ensigne Bryan for the yeare ensuing, in all respects as it was y^e last yeare, save onely y^t 5^{li} of the 20 is to be paid in good merchantable beavor, at price current, sometime betwixt this & August next, so as it may be to supply the comissioners for the jurisdiction service.

Mr. Wells of Southold informed that a neighbour of theirs that bought a pcell of land at Manhanseck was about to sell it vnto a Quaker; it being considered by the court, they desired y^e gouernor to write to Mr. Willis of Harford for his concurrence to assert or title to those lands from the Lord Starling, & to vse such meanes as he conceives may conduce to the p^rvention of any such sale by any that p^rtend title to any lands there.

The Magistrate & deputies of Branford informed that Peter Abbott coming thither the last yeare to help his father to weed corne, was taken the same day with a lunacy, which occasioned much charge & exercise to their towne, w^{ch} they conceived should be borne by the publique, he being no settled inhabitant there, but had lived sometimes in one plantation & sometimes in another, and that if it should please God againe so to exercise him, they saw not how the people of [200] Branford (haveing been vnder the || afflicting hand of God) could be able to supply him wth such things as his con-

dition would call for, to w^{ch} the court answered, that they saw not but y^t Branford, to whom he did belong, must in justice beare it, but withall it was pmised that if God should so againe afflict them in Peter Abbot, they will have a brotherly respect to them &, if there be cause, help them in a way of mercy, as this court shall thinke meet.

Complaints being p^rsented of wrong done in the sizes of shooes, the court did take the matter into consideration, & being informed that W^m Newman of Stamford hath an instrument in his hand w^{ch} he brought out of England, w^{ch} is thought to be right, to determine this question between the buyer & seller, did order that the said instrument should be pcured & sent to Newhaven, w^{ch} (if approved by y^e court of magistrates in October next, to whose judgment (takeing in such advice as they shall thinke meet) y^e busines is referred) a standerd shall be made, w^{ch} is to remaine wth the jurisdiction treasurer, & from thence other standerds to be taken for the seuerall plantations, w^{ch} shall be the rule betweene buyer & seller, to w^{ch} it is required that all sizes be conformed.

The Court lookeing vpon it as their great duty to establish some course (that through the blessing of God) learning may be promoued in the jurisdiction, as a meanes for y^e fitting of instruments for publique service in church & co^monwealth, did order that 40^{li} a yeare shall be paid by the treasurer for the furtherance of a gramer schoole, for the vse of y^e inhabitants of the jurisdiction, & that 8^{li} more shall be disbursed by him for the procuring of bookes of Mr. Blinman, such as shall be approued by Mr. Davenport & Mr. Peirson as sutable for this worke. The appointing of the place where this schoole shall be settled, the pson or psons to be employed, the time of begining, &c., is referred to the gouernor, deputy gouernor, y^e magistrates & ministers settled in the jurisdiction, or so many of them as vpon due notice shall meet to consider of this matter.

The Deputy Gouernor, wth the deputies of Guilford, did ppound Mr. Whitfeilds house freely for the furtherance of this worke, who did also declare that they judged it reasonable y^t if the said schoole should be settled in any other place by

those w^{ch} are appointed to determine this question, that y^e like allowance should be made by that plantation where it falls, answerable to what by Guilford is now propounded.

[201] || The afflicting hand of God haveing been heavy on y^e inhabitants of Greenwich y^e last yeere, by sickness, & thereby y^e loss of a great part of their corne, their rates to the jurisdiction for the yeere past, as a worke of mercy, were remitted.

Robert Abbott, late of Branford deceased, who died intestate, being posest of an estate amounting to 120 or 130^{li}, or thereabouts, a question was brought to the court whether y^e 2 youngest children should not be considered aboue their pportion, being not duely pvided for considering their yeares, w^{ch} the court having considered, it was declared y^t 10^{li} shall be taken out of the estate for the help of the widdow for the bringing vp of these two children, w^{ch} being done, the estate is to be divided, according to the true intent of the law in y^t case, betweene the widdow & children, w^{ch} is referred to the court at Branford.

Mr. Wakeman acknowledged 7^{li} received of the deputies of Southold for the land repurchased by them, called Mattatock & Akkabawke, but being paid in wampom, Mr. Wells vndertooke to answeere the damage that he should sustaine by it.

It is ordered that the horses appointed for publike service shall exercise 4 training dayes each yeare, at such times as shall be appointed by y^e millitary officers for the foot companys in each plantation, who shall also veiwe their furniture when other armes are veiued, vntill some other way be appointed by the court.

Information being given that John Corey, John Swasey, Mr. Joⁿ Booth, Joseph Younges senior, Tho: Ridar, Edward Petty, Tho: More junior, refused to take the oath of fidelity, it is ordered, that they shall appeare at the court of magistrates, the 19th of October next, to answeere it, if in the meane time they take not the said oath & certify it vnto the court.

There being a question whether 6^{li} or 5^{li} were dew from

James Rogers to the jurisdiction vpon a forfeiture of liquors, it was declared that 5^{li} being paid they require not y^e rest.

The Magistrate & deputies of Milford were desired to require of the inhabitants of Paugaset a list of their rateable estate, & to send it to the secretary at Newhaven.

A question being propounded by Mr. Wells, whether land enclosed for an oxpasture be rateable or not, for answere he was referred to the law, w^{ch} sayes that all lands shall be rated except such as doth & shall lie comon for free feed of cattell at all times to the vse of y^e inhabitants in generall.

[202] || Vpon information that Mr. Bishopp meets wth some discouragm^t in his worke at Stamford, & therevpon thinks of remouing thence, the court spake with Leiftenn^t Bell, one of the deputies, about it, who could not say that things had been as they should in all respects, but pfessed that he should be ready to lay out himself for Mr. Bishopps encouragem^t; but no complaint being made by Mr. Bishopp, nothing was done by way of order, but only it was declared that if they heare not of a speedy reformation, they will consider of sending some frō among themselves &c. to Stamford to enquire after things, & endeavour (as they thinke they are bound) to remoue what may hinder y^e worke of God in his hand, for if ministry & ordinances fall, what will the people doe?

A complaint being made concerning some psons at Stamford for selling wines & liquors without license, it was by y^e court declared, that it is expected of the officer in authority there, that he make dilligent enquiry after such disorders, & that he duely psecute the offenders, according to y^e law in that behalf.

Whereas in the law concerning dowries, it appeares necessary that the consent of the wife be required to any sale of houses or lands made by her husband, w^{ch} act or consent must be such as this court allowes, therefore it is now declared and ordered, that a free consent or acknowledgment being given or made of her willingnes to such sale, before the secretary or any magistrate, or constable where there is no magistrate, shall be accounted good in law, & cutts off such

wife from claiming any thirds in the said houses or lands afterwards.

It is ordered that 50^{li} shall be paid by the treasurer vnto the gouernor & 20^{li} to the deputy gouernor, for the yeare ensuing.

Francis Bell was chosen & sworne constable for Stamford for the yeare ensuing, who had the same power comitted to him as the constables at Stamford formerly had.

Geo: Slawson was chosen marshall, to assist him in the worke of his office.

Mr. Wells & Barnabas Horton were chosen constables for Southold for the yeare ensuing, who have the same power committed to them as the constables there formerly had.

It is ordered that a rate of 100^{li} shall be leuied frō the seuerall plantations wthin this jurisdiction, in equall pportions according to their estates, w^{ch} is to be paid the one half sometime in Octobr next, y^e other half by the first of Aprill following, in such pay & at such prizes as was ordered y^e last yeare.

Newhaven, 37 ^{li} 13 ^s 05 ^d	} Stamford, 12 ^{li} 00 ^s 08 ^d	} 100 ^{li} .	
Milford, 21 12 00			Southold, 09 00 00
Guilford, 13 07 01			Branford, 06 06 10

[203] AT A COURT OF MAGISTRATES, HELD AT NEWHAVEN FOR THE JURISDICTION, THE 19th OF OCTOBR 1659.

The Gouernor, Deputy Gouernor, Mr. Gilbert, Mr. Treat, Mr. Crane, was present.

The matter depending since the last court, concerning y^e estate of Mr. Stephen Goodyeare deceased & the creditors, came to be considered, at w^{ch} time the former claime of Mr. Goodyeare to a third of Mr. Lambertons houses & lands was renewed, both by herself & her attorney, William Edwards of Harford, her right therevnto (by vertue of a law extant when Mr. Lamberton died) pleaded, but it being found that by her marriage wth Mr. Goodyeare it became part of his estate, it was by the court determined that onely a third of

that thirds for life, doth belonge to M^{rs}. Goodyeare. What hath further been done, or was now done concerning this matter, is here breifly declared as followeth,

Forasmuch as M^r. Stephen Goodyeare, merchant, late deputy gouvernor & planter of Newhaven in New England, being vpon a voyage into old England, there deceased in London in the yeare 1658, since which time the court at Newhaven, for conservation of the estate of the deceased, to be forthcoming to answere all iust debts & claymes due from the said estate, did cause an inventory to be made & delivered into the court, of what was here found within y^e jurisdiction of Newhaven, and an account to be drawne out of M^r. Goodyears bookes of what seemed thereby to be due to that estate; the court of magistrates, takeing y^e matter into consideration, caused a writeing or intimation, beareing date October 20, 1658, to be publicquely set vp & affixed on a door post of the meeting house of Newhaven, to give notice to all or any psons that had any thing to clayme from y^e estate of y^e deceased, to make their appearance, by themselues or their attorneyes, at the court of magistrates in May, Anno 1659, then & there to make satisfying proofe of their claimes, that order might be then given & distribution made of the said estate, for iust & pportionable satisfaction, but the businesse being found not duely p^rpared on the creditors part, it was ordered, that by a writeing set vp as before, that intimation should be againe given for their appearance at the court of magistrates in Octobr next, at w^{ch} said court attendance was againe given to take in y^e said proofes, in the p^rsence of the said creditors appearing, where first allowance for all iust charges, fees &c. about ye collecting, apprising & conserving the estate for the [204] benifit of psons || concerned therein, being deducted, the court pceeded, & allowed these debts & claimes, hereafter mentioned & set downe in their p^rticuler somes respectively, to be due from M^r. Goodyears estate, some vpon cleare specialities and proofes, others by faire accounts & reckonings owned by M^r. Goodyeares bookes without any materiall objection made against them, all w^{ch} amounted to the full & iust some of 2403^{li}, 19^s, 2^d; but because divers reckonings were not p^rfected, nor M^{rs}. Goodyeares thirds sett out nor compounded &c., at the request of the creditors p^rsent, y^e court allowed & established M^r. John Wakeman, M^r. Nicholas Auger & Joⁿ Cowper of Newhaven, to be comissioners to issue those accounts, empowering & authorising them to agree wth M^{rs}. Goodyeare about her thirds, to make sale of the lands or other estate here, and by themselues

or their lawfull attorneyes to vse all meanes, whether by course of law or composition, to gather in all debts, here or elsewhere due to the said estate, and to make pportionable distribution of what is or shall be by them recouered, amongst all the said creditors respectively, & to give in a iust account to the court of magistrates at Newhaven of whatsoever shall be by them so done, whensoever it shall be called for & required, that righteousnes may be attended in that trust, and a standing record kept for the veiw of any that desire satisfaction about y^e whole carriage of this businesse,

Mr. Goodyeares inventory was, 804^{li}, 09^s, 10^d
Out of w^{ch} there was paid to Mr. Lambertons children, for w^{ch} security was

given,	415 ^{li} , 18, 2 ^d	} 416, 18, 02
& 20 ^s for land sould to Jer: Whitnell	001, 00, 0,	

both which being deducted, w^{ch} is
So there remaines to M^{rs}. Goodyeare for her thirds, & to the creditors according to the inventory, 387, 11, 08

For apprising & conserving of the estate &c, y ^e estate		Dr.
To John Herriman		03 ^{li} , 06 ^{ss} , 08 ^d
the sheepheards		05, 06, 08
tables for the bookes		00, 10, 00
John Cowper		00, 04, 00
the 4 apprizers		02, 00, 00
the Secretary		02, 00, 00
Mr. Cornish		02, 10, 00

15, 17, 04

[205] || Creditors to the estate who are to be paid in pportion to these somes vnderwritten.

Mr. Woolcot	234 ^{li} 15 ^s 00 ^d	Edward Perkins	002 ^{li} 13 ^s 00 ^d
Mr. Hickcox	040—00—00	Mr. Whitfeild,	100—00—00
Christopher Todd	008—00—00	James Clarke,	002—11—01
Tho: Dunk	011—00—00	Mr. Hooke	110—07—10
Mr. Paine	010—15—03	Mr. Evance	085—00—00
Mr. Nicholes	004—04—00	M ^{rs} . Godman	152—00—00
John Punderson	007—12—06	Thomas Staples	204—17—04
Thomas Mitchell	003—08—00	Sargeant Jefferies	012—00—00
Mr. Sam: Wakeman	031—19—08	John Herriman	021—03—00
Mr. John Wakeman	061—15—00	Richard Hughes	007—00—00
Roger Allen	005—11—03	Henry Carter	001—15—00
George Larremore	030—00—00	Huphry Spining	005—15—06
Mr. Kitchell	013—03—07	Willm Judson	011—05—06
Mr. Pinchon	009—17—00	John Cowper	002—06—00
M ^{rs} . Davenport	001—10—00	Willm Andrewes	012—16—06
Newhaven church treas'y,	021—07—10	M ^{rs} . Mr. Stoliens estate,	478—08—01
the Jurisdiction,	012—00—00	the Dutch Gouernor	060—00—00

Newhaven townes treas'y,	016—01—04	Willm Trowbridg	010—00—00
Mrs. Alcot	001—09—11	Mr. Evance his house,	030—00—00
Mr. Daniell	015—04—07	Mrs. Shenfe	032—04—00
Mr. Lake	092—16—03	<i>Vpon the Shipp acc^o.</i>	
Mr. Tanner	357—10—00	Mr. Wakeman	006—14—06
Joseph Mygate	010—14—06	M ^r . Gilbert	002—12—10
John Gibbs	003—00—00	Wm Davis	001—06—01
Henry Lindon	004—00—00	Mr. Atwater	005—11—01
the Gouverno ^r	001—07—00	Roger Allen	004—12—11
Mr. Gilbert	003—07—10	Christopher Todd	001—05—00
Mr. Ting	017—00—00	James Hayward	005—03—05
		Mr. Mulliner	005—00—00
	1029—10—06		
			1374—08—06
			1029—10—06
		Total	2403—19—02

[206] *Concerning the estate of M^r. Allerton.*

Whereas at a court held at Newhaven Aprill the 5th 1659, an inventory & an account takē & p^rsented to the court, of an estate left by M^r. Isaac Allerton sen. deceased here, at w^{ch} time the court was informed that there was a will left by the deceased, w^{ch} was supposed to be in the hands of M^r. Isaac Allerton, who was now from home, vpon w^{ch} ground the court proceeded not further in that businesse at that time, onely they signified there desire that the will spoken off might be brought forth at his returne; accordingly at a court held at Newhaven the 5th of July 1659, M^r. Allerton appeared, & p^rsented the said writeing as the will of his deceased father, but the court findeing that neither M^r. Allerton nor any other was willing at that time to administer vpon the said estate, it was ordered that y^e bookes of accounts, wth all bills & speciallties appertaining to the said estate, should be delivered to the secretary, and that by a writeing sett vpon the door post of the meeting house, intimation should be given to such as were creditors to that estate, that if they made their appearance at the court of magistrates in October next, their demands should be considered; at w^{ch} court sundry creditors appeareing, to make clayme of considerable somes due from the said estate, M^r. Isaac Allerton p^rsented a writeing, as the last will of the deceased, now witnessed vpon oath by John Herriman & Edward Preston, that it was sealed & subscribed by M^r. Allerton deceased, whilst he had the vse of his vnderstanding & memory in a competent measure, by w^{ch} writeing it appeared y^t M^r. Allerton himself & his mother, the widdow of the deceased, were made ioynt trustees to gather in & dispose of the estate for paym^t of the said iust debts due from the same. The said widdow renouncing her part of that trust & nō els appearing who were willing to administer, the court vpon request of the said M^r. Isaac Allerton, established the sole trust

of that businesse vpon him, to collect & dispose of the estate for the ends aforesaid, within any of the English jurisdictions in these parts of America, vpon engagem^t & pmise of the said Mr. Allerton to attend that trust, & to make p^rsent payment proportionably to all & each of the said creditors, according to the iust vallew of the estate here apprised in y^e inventory, and to gather in the debts elsewhere with all convenient speed, & to make due satisfaction in currant pay vpon moderate tearmes, yearly, in proportion to all the creditors, for what is so collected, giving in a satisfying account anually to the court of magistrates here, of what is so done, vntill all iust debts be satisfied, that if anything more shall appeare necessary to be done for furtherance of righteousness, the court may give further order herein.

[207] But || Mr. Isaac Allerton junior, in his more serious thoughts about y^e businesse, came the next day vnto the court & pfessed his discouragment to proceed in that trust, vnlesse he might be left free to act in it as he saw convenient, & might be dismissed therefrom vpon account, whenever he desired, w^{ch} the court told him could not be allowed before the court saw a satisfying or iust account given of the faithfull discharge of that trust, w^{ch} he was the rather to be obliged to because he was the deceaseds eldest or onely sonne, who had conferred that trust vpon him for attendance vnto righteousness on his fathers behalf, w^{ch} the court wished he would consider off. But what was said or moued to him that way, p^rvailed not to hinder him frō renouncing & refusing to vndertake the matter, vpon the tearmes aforesd; whereupon, (he often expressing that he refused to meddle in it, but would leave the estate in the courts hands otherwise to be disposed off & ordered, as they should see cause,) the court vpon request of the creditors, who had long waited for an issue, that so some course might be settled whereby they might come to receive the iust rights & dues frō the said estate, did, with the consent of the said creditors & vpon their nomination, authorise & impower Mr. Richard Miles and Gervase Boykin, (to whom the bookes of accounts, wth bills & specialtyes, were delivered,) as comissioners in trust, for collection & conservation of the said estate, & to attend the settleing & clearing accounts thereabout, to agree wth Mr^s. Allerton, the widdow of the deceased, about her thirds, to make sale of houses, lands, or other estate here found, or to be found wthin this jurisdiction, to vse all due meanes, either by themselves or their attorneyes, whether by course of law or composition, to gather in all or any debts, here or

elsewhere within the English jurisdictions in these parts, belonging or due to the said estate, to make pportionable distribution of what is or shall be by them so recouered, amongst the creditors respectively, and to give a iust & true account vnto the court of magistrates here at Newhaven, of whatever shall be by them so done, whensoever it shall be called for & required, that righteousness may be attended in this trust, and a standing record kept for view of any y^t may desire & seeke satisfaction about the whole carryage of this matter.

The estate of M^r. Allerton deceased, according the inventory was 118^{li}, 05^s, 02^d, w^{ch} (M^{rs}. Allertons thirds of the houses and lands being deducted,) falling into the hands of y^e creditors, they sould vnto M^r. Isaac Allerton the dwelling house, orchard & barne, wth 2 acres of meadow, (prised in the inventory at 75^{li},) for 120^{li}, of w^{ch} 120^{li}, 40^{li} belonging to M^{rs}. Allerton for her life, 12^{li} being given for the reuersion of that thirds, M^r. Allerton became debtor to the estate for the house, &c., 92^{li}, for other estate as prized, 43^{li}, 05^s, 02^d, both w^{ch} are 135^{li}, 05^s, 02^d, out of w^{ch} being deducted for funerall charges, fees, &c., 6^{li}, M^r. Allerton remaines debtor to the estate for the vse of the creditors, 129^{li}, 05^s, 02^d; who were ordered to receive in trust pportionably to these somes follow-[208] ing, || Ensigne Bryan 122^{li}, 0^s, 2^d, 2 peices of holland by him received to be deducted. Deacon Miles, in behalf of Capt. Gookin, 11^{li}, 15^s, 0^d. Gervase Boykin, for M^r. Ling, 18^{li}, 06^s, 09^d. Roger Allen, 02^{li}, 15^s, 00^d. M^r. Lord, 13^{li}. Edward Perkins, 8^s, 6^d. Witt Gibbins, 6^{li} 2^s, 0^d, all w^{ch} were condemned. Interest was also pleaded for by some of the creditors, w^{ch} was left to be considered.

Other demands were made vpon the said estate, viz^t, Sargeant Jefferies demanded about 6^{li}, M^r. Lord, more 40^s, M^r. Allerton for M^r. Maverick, 60^{li}, 02, 06^d, John Cowper for John Westall ^, W^m Gibbins, for M^r. Marshall in England, 40^{li}, Joseph Alsupp, for M^{rs}. Sheafe, 8^{li}; who were told that at the court of magistrates in May next, their demands wth the pofe thereof shall be considered, wth any other that have demands to make vpon y^e sd estate, (concerning w^{ch} it was ordered that such intimation shall be given, by a writeing affixed to the door post of the meeting house of Newhaven by y^e secretary,) at w^{ch} time it is intended that distribution shall be made of the estate of M^r. Allerton, & each man ordered to receive that wth right, according as things shall then appeare.

Henry Tomlinson of Stratford, being warned to the court, appeared, to whom it was declared that sundry of o^r freinds & neighbours are vnsatisfied concerning his late acting at

Conecticote, in a way of vniust mollestation of the gouernor. Henry Tomlinson desired to know whether it were a breach of any law in that jurisdiction; he was told that y^t might be answered another time, but he was now required to attend what the court called him to give answer to in this jurisdiction; he was asked if he knew any p^rsident of like actings to his in any of the colonyes; to w^{ch} he said yea, in Mr. Hopkins his case in the Massachusetts, but was told that y^t was not this case, but done vpon a pticuler account, but this to the gouernor vpon publique respects, concerning his administrations in his place, w^{ch} is contrary to the articles of confederatiō & of an order since by the cōmissioners reco^mended to the seuerall generall courts.

Gervase Boykin declared that when the thing was first heard of, it was very offensive to many, he thought y^e generall court should take it into consideration & pvide that such things might not be suffered, it being a way to set one jurisdiction against another.

Mr. Wakeman said that it was an vniust molestation of the cheife officer of the jurisdiction, when sent out vpon the service of the country.

[209] || Jo: Cowper said he was affraid that he did it to lay y^e jurisdi^cion low, and it was to him very offensive.

The Deputy Gouerno^r told Hen: Tomlinson that he knowes that he neuer made any appeale to the generall court, w^{ch} he might have done had he been vnsatisfied with y^e sentence, nor had he sought for a review of the action, but carried it in a flattering way, as one well apaid (as we may say) wth what the court had done, & thanked the court for their lenity & favoure towards him, and yet since hath carried it in an irregular way to throw vp foundations, & to breake the bond of amity betwixt the collonyes, & was thereby to be looked vpon as an vniuersall disturber of the peace, and therefore as a ring-leader should be made an example vnto others. He was told that by the same account all the judgments in other jurisdictions past vpon delinquents might be called ouer againe, and so there will be judgment against judgment, execution against

execution, w^{ch} would be like to issue in the ruin of New England.

The Court professed they were not ashamed to justify their proceedings, & their vprightnes in them, before others, but that another colony should call this colony to account would not be at all yeilded, we having entire jurisdiction amongst o^rselues. Hen: Tomlinson was told that if he doe not lay it to heart, God would take notice of him as one whose practise tends to breake the peace of the country.

It was declared that, there being now but a small court, and some of the court might be thought to be concerned in it, and y^e matter in question respecting the whole colony, the determination of the court therefore was, that Hen: Tomlinson shall put in security to 50^{li} vallew, to make his appearance, & to give answe^r to what shall be laid to his charge in this matter, before the generall court to be held at Newhaven, the last fourth day of the weeke in May next; accordingly the said Henry Tomlinson & Jer: Osburne did afterwards engage, ioyntly & seuerally, in the some of 50^{li} for his appearance before the generall court, the day before mentioned.

Will: East of Milford, being warned to this court, appeared, who was told that he was bound to appeare here in May last, but he appeared not, but instead thereof sent a writeing to excuse his non appearance, w^{ch} satisfied not; he was told that y^e court was now ready to heare what he had further to say, why he appeared not; to w^{ch} he answered that he had no more to say; wherevpon he was asked what he had to say to those great & gross miscarriages wherewth he stood charged. What past in court concerning him, in October 1657 & May 1659, was now read, & he was told that these are gross miscarriages [210] by him comitted, that he should make || his house a house of drunkenness, & rise vp ag^t authority in threatening words, as he had done, & that he hereby shewed that he was a man fallen from God & frō the pfession w^{ch} he hath formerly made, more then in an ordinary manner, and now to goe on to add sin to sin, it was an amazing thing to consider off, as if he were an atheist & without God in the world, and that he carryes it as one given vp of God to satisfie his sensuall appe-



tite, & had thereby caused the name of God to be blasphemed, and that it was high handed wickednes, that when he is found drunke & told that the meanes of his drunkenesse shall be taken away, that he should rise vp against authority, what can be said why he should not be put in a house of correction and have his meate & drinke sized out to him, & that he be kept with what he should earne with his owne hands & his relations have the comfort of the rest; shall wickednes be suffered, & is there no balme in Gilead, (as we may say,) no meanes found out to p^ruent it. He was told that there is a remedy, & there will be a remedy, & that he must know that he shall not overmaster to Gods dishonor, and that the sword of justice shall not be suffered to lie still when such evils are comitted. He was asked what security he could put in for his better carriage, to w^{ch} he answered, that he doubted he could give non. He was told that his owne word was of little vallew & not to be rested on. W^m East was wished to be wise for this world, & told that y^e sun had shined vpon him to a great estate, but he hath proued an ill steward, & now God is reckoning with him & it was feared that God would bring him to the dust againe in refference to the things of this life; he was told that it is an amazing thing that he is not a terror to himself, that he should doe thus wickedly in a land of vprightnes, & not behold the magesty of y^e Lord.

The Court further declared that they were both sorry and ashamed that he was againe brought to the court for such delinquency, he was minded that he had beene fined at Milford wth a smaller fine, but y^t would not reforme him, afterwards he was called to the court of magistrates, & fined wth a greater fine, but y^t reformèd not, after that he was stocked, neither did that reclaime him, but he still goeth on to abuse himself in a swinish manner, so that is ā exercise to the court what to doe with him & what course to take to reclaime him. He was told that it hath been intimated, w^{ch} assuredly the court will doe & he was bid to expect it, that if he be not reformed, the court must lay him in prison & keepe him to prison diett, to p^ruent these sinfull excesses.

The sentence was that the 50^{li} bond for his appearance in

May last is forfeited, & may be called for when the court sees cause, & seeing that fines & stocking reclaimes him not from his drunkenness, if hereafter he be found drunke againe, that [211] he shall be corporally || punished by whipping at Milford, & bound ouer to the next court of magistrates following; & seeing he abuses himself in his owne house, it was therefore ordered, that he shall not have liberty to keep wines or liquors in his house save only what shall be for their comfort, w^{ch} he shall see cause to desire & the magistrate shall see cause to license him to have; & this is the triall the court would make of William East at this time, who was bid to remember & beare it vpon his heart, he goes vnder the divell as his keeper in the state he stands in.

Information beinge given by Mr. Bishopp, in the p^rsence of two of the brethren, of the vncomfortable & vnsettled state of y^e affaires of the church & towne of Stamford, the court saw cause to advise & order, that within 20 dayes after their returne home, some effectuall course may be taken among themselues for settlement of things there to mutuall satisfaction, concerning w^{ch} issue they expect to be certified vnder their hands mutually, within the time before p^rfixed, that so if need require, two of the magistrates & two of the elders may be desired, & sent, before winter, to afford help therein, if the season proue sutable, if not, then in the first opportunity in the spring.

Sigismund Richalls (at his desire) had liberty till the spring to pay the fine of 10^{li} dew frō him, (as security for John Heardmā,) who is to make his appearance at the court of magistrates in May next, to give answer to what further shall be said to him concerning the said matter.

John Corey, Jō. Swasey, Tho: Moore junior, Mr. Jo: Booth, Joseph Youngues senior, Tho: Ridar, Edward Petty, are to give their answer in May next, before this court, why they have not attended y^e courts order concerning them in May last.

Sargeant Baldwin haveing desired to speake concerning what past in court in May last, declared, that it was knowne y^e hand of God was vpon him by sicknes at that time, so that

he could not attend the court; he now acknowledged the breach of the eighth comandem^t in that matter concerning the mare then in question, w^{ch} he pfessed his sorrow for, wth desire that God would help him for the time to come y^t he might not fall into y^e like offence; he also vnderstood that the court had sentenced him to pay for a colt w^{ch} issued frō the mare, w^{ch} colt (he said) he neuer saw, but it was taken away by y^e hand of God, & no mans hand in it for ought he knew; he desired the court would be pleased to take it into consideration, & for the fine of 5^{li}, y^t the court would please to remitt it; he confessed he was not so considerate in that matter as he should; and for y^t y^t was then presented as offensive, concerning his selling of liquours, he pfessed that it was a greife to him y^t God should be dishonoured in his house; but wthall, he said, first that what was then reported, concerning the quantity of liquours, was not true, but thus it was, y^t by [212] eleaven men, or thereabouts, || there was drunk 5 pintes of liquours, w^{ch} was paid for by foure of the company; he desired that God would help him while hee continues in that imployment to be more wachfull.

To whō the courts answere was, that in refference to y^e strong liquors, were it not testified that he was sick, it would be a great offence, & such as would render him vnfit to keepe the ordinary, but it seemes it fell out by his wife, whō, it may be, was not so fitt to gouerne, though the thing was very scandalous & dishono^rable to religeon, yet it falling out by y^t meanes, they should not further proceed in that matter, so it may be a warning to him, & they would leave it as a warning vpon him for y^e time to come, y^t he be more carefull herein; & for the fine of 5^{li}, they suspend the takeing of it vntill further order. As for that w^{ch} is alleadged concerning the colt, it may be considered before plainteifs; w^{ch} was afterward debated before the court, both by p^t^s & defendt, but the court saw no cause to alter the former sentence.

Ensigne Bryan declared against Mr. Tho: Mathewes for a debt of 11^{li}, 6^s, 8^d, part of w^{ch} debt arose vpon the account of excise or custom of wines or liquors bought of Mr. Palmes. After sundry allegations, answers & replies, both by plaint' &

defendant, Ensign Bryan declared that they had spoken together and had agreed to good satisfaction.

Ensign Bryan having attached the vessell of John Tompson, he now desired that the boate might be enclused, but before the plaint' had declared, John Cowper informed that he vnderstands that the said vessell stood engaged to M^{rs}. Sheafe of Boston for a debt, & vpon non payment by the last of September past, the vessell to be forfeited, but Jo Tompson coming away the 29th of September, the forfeiture could not be taken, & y^t Joseph Alsup had order from M^{rs}. Sheafe about it; w^{ch} being spoken, the plainteife proceeded, & in an action of the case declared, that sometimes since, John Tompson desired him to help him to a vessell, he told him that there was a vessell at Fairfeild w^{ch} was prised at 60^{li}, w^{ch} was very deare, but he desireing it, he directed him to M^r. Pell to buy the vessell, vpon condition to make paym^t to himself, w^{ch} vessell was bought, what the conditions were he desired John Tompson to relate; wherevpon John Tompson declared that he bought the vessell at 60^{li}, & the vessell was in speech for security, & y^t sundry things were propounded but not drawne vp in writeing; he was asked if it was agreed that the vessell should be security, he answered that there was nothing written; it was asked if it was promised, he said he could not speake to [213] it, but || his purpose was to attend Ensign Bryans propositions, & there was no turne in it differing. Ensign Bryan pleaded if there be a agreement owned, though the writeing were not drawne vp, he sees not but it should stand. The court told him that all that they heard of was that he intended to doe such a thing, but he went away and did it not. John Tompson owned the debt of 60^{li} was due from him to Ensign Bryan, & that what ppositions were made to him by Ensign Bryan he was willing to attend to, but granted that the vessell was engaged to M^{rs}. Sheafe, and withall said (but proued it not) y^t he had M^{rs}. Sheafes consent to come away, who had given him liberty for paym^t till the spring.

Ensign Bryan said that he conceived the vessell was his, being the conditions are not fulfilled, & desired that he might else be satisfied out of the vessell one way or other.



The Court told him they would condemne the vessell, but it must be with caution that he should be responsible to such as should proue a better claime. It was therevpon propounded y^t the matter might be respitted vntill Joseph Alsupp come in, that it may be knowne what orders he hath from M^{rs}. Sheafe, that justice may be done in the case; in the meane time that the attachment vpon the vessell to remaine, w^{ch} was the p^{re}sent issue & determination of the court. But J^o. Tompson was told that his actions are naught and dishonest, that he would engage the vessell to M^{rs}. Sheafe, he knowing how he stood engaged to Ensigne Bryan concerning her.

Joseph Alsupp, plaineife, } The plaint', in behalf of M^{rs}.
J^o. Tompson, defendant. } Sheafe of Bost^o, declared against
 the defendant in an action of debt, to the valew of 120^{li}, vpon
 forfeiture of a bond for the payment of 60^{li}, w^{ch} bond, wth
 the letter of attorney authorising the p^t to psecute in the case,
 being both read were approued.

The defendt acknowledge y^e debt of 60^{li}, (12^{li} or thereabout arising as he said vpon the account of interest,) but withall said that he had further time given by M^{rs}. Sheafe for paym^t, who knew of his coming away, onely she desired the debt might be acknowledged before Mr. Bellingham 2 or 3 dayes before he came thence, but it was found to be about 16 dayes. The plaineife replied that he knowes nothing of the dispensation spoken off, but she desired that the bond might be prosecuted. John Tompson was asked why the vessell w^{ch} stands as security to M^{rs}. Sheafe should not be delivered vnto her agent vpon the forfeiture of the bond, to w^{ch} he answered that he had no more to say, but withall affirmed that what he had said, of [214] M^{rs}. Sheafes giving further || time, was true, but he had nothing vnder her hand to shew, and so must leave it to the court.

Ensigne Bryan desired that it might be considered whether the vessell be not his, who pleaded that John Tompson had that vessell of Mr. Pell by his order, & that he had desired Mr. Pell to engage the vessell for security till paym^t should be made, & that Mr. Pell had made him debtor for the vessell, 60^{li}.

To w^{ch} Joseph Alsupp answered, that the vessell was sould to Jō. Tompson, whō he supposes had a bill of sale, w^{ch} now did so appeare, for a firme bill of sale from Mr. Pell & John Wheeler, (administrators to the estate Tho: Deman, (whereof this vessell was a part,) dated 27 Nouember, 1658, witnessed by Robert Turner & Nathaneel Seely,) to John Tompson, but Ensigne Bryan said he neuer knew of it.

The Court told Ensigne Bryan that it doth appeare by the bill of sale that the vessell is by Mr. Pell & John Wheeler sould to John Tompson, & it doth not appeare that the vessell was by John Tompson actually engaged to him for security; it is neither affirmed by John Tompson, nor proued by any witnesses, onely they had such treatyes, but the thing was not done, & so the vessell remaines to John Tompson, who hath dealt dishonestly to engage it to M^{rs}. Sheafe, knowing that he stood so engaged to him as he did.

The case being heard, the court by way of sentence declared that they looke vpon the obligation as firme for 120^{li}, but they would not be for extremities, but for furtherance of righteousness; they have heard & considered the plea of Ensigne Bryan, but see not his right to the vessell, but doe order that the vessell being duely prised by Mr. Rudderford & Tho: Morris, (vnto whom Jō Tompson hath liberty to add a third man,) in refference to such pay as is exprest in the bond, shall be delivered to Joseph Alsupp for the vse of M^{rs}. Sheafe; if it shall be prised at more then 60^{li}, it shall be returned to John Tompson, but what it falls short of 60^{li} shall be made vp out of his estate, who is to pay the charges of apprising & fees of court.

John Tompson being by the former sentence disabled to pceed ō in his voyage intended for Virgenia, a motion was made by John Biley, in behalf of Captaine Clarke of Boston, that Jō Tompson might be enioyned to deliuer back for the vse of the said captaine, a pcell of wines he had put into his hand, or give security for the same, w^{ch} being propounded to Jō. Tompson, he chose rather to deliuer them, w^{ch} was so ordred by y^e court.

[215] || A letter frō Mr. Blinkensopp of London to the gou-

ernor was read, who therein desired his assistance for the recouering a debt of 12^{li}, 10^s, of John Greene for goods delivered to him, with half y^e proffitt or advance vpon them. The gouernor informed that John Greene acknowledged himself debtor to Mr. Blinkensopp the some of 15^{li}, tenn pounds of w^{ch} 15, he promised to pay this yeare in porke, the other 5^{li} the next yeare; w^{ch} 10^{li} the jurisdiction treasurer was ordered to receive in trust, who was desired to vse meanes to convert it into beaur, that it may be ready to be sent for England, or otherwise to be disposed of as Mr. Blinkensopp shall order.

Samuel Plum of Branford appeared, to whō the gouernor declared that he had received a letter frō Mr. Rawson of Boston concerning him & his boy Edward House, who therein complains of wrong done to Edward House, being held in service beyond y^e time exprest in his indenture. A cōpy of a indenture was by Edward House p^rsented & read, whereby it appeared, that wth the consent of his father Edward House, he was bound vnto John Strang of Boston, frō the 19th of Aprill, 1652, forward for 7 yeares. Another indenture by Sam. Plum was p^rsented, by w^{ch} it appeared that the said Edward House bound himself to one Jeffs for 9 yeares frō the first of May, 1653, w^{ch} was assigned to Francis Browne, & frō Francis Browne to Sam: Plum. Edward House was asked how this came to pass, that he set his hand to such an indenture; to w^{ch} he answered that he was forced to it in the shipp, being threatened to be throwne ouer board if he would not yeeld to it, & he also told him if he would doe it he should go to sea & see his freinds once a yeare, & y^t Jeffs gave him liquours so that he was not himself, & thereby drew him to sett his hand to it, & that this was done when he was about 12 or 13 yeare old.

The Court declared that Edward House, being then but about 12 or 13 yeares of age, he was not capeable of makeing an indenture, w^{ch} (by his relation) he was also forced to, and he having parents in England, it cannot be thought raitionall y^t he should be left to himself to dispose of himself, nor can it be judged a valid act. It was demanded of Samuell Plum what he had to say why he should hold the boy beyond the

time exprest in the first indenture, to w^{ch} he answered that he bought him of Francis Browne, in his p^rsence, for the time remaining of the indenture dated the first of May, 1653, against w^{ch} he then objected not, w^{ch} indenture is made ouer to him frō Francis Browne, but was told that that is invalid, being the boyes act, wthout consent of either his parents or authority; if Francis Browne have done y^t w^{ch} is not right, he may have justice against him, but the boy must not suffer by it. The case being heard, the gouerno^r, in the name of [216] the || court, declared that they saw not ground why Sam: Plum should hold the boy any longer, but doe judg that his time expired in Aprill last, & that the indenture bindeing to Jeffs is invalid, being wthout consent of either parents or guardian, but is rep^rsented as a thing forced, w^{ch}, if the man were p^rsent & the thing proued, would be witnessed against. It further appearing that, by the copy of the indenture p^rsented, his time of service ended in Aprill last, since which time Sam: Plum hath had the benifitt of him, that therefore by the first oppertunity, at his charge, he be sent to Mr. Rawson to be conveyed to his father, being first furnished with double cloathing, according to y^e custom of the country.

Robert Vsher, plaint^r. } The plaint. entred an action of the
Geo: Slawson, defendt. } case in the behalf of Edward Jessupp,
 & declared concerning a horse taken vp & detained by the defendt, & that after y^e said horse had been demanded of him by Jessupps order (dated the third of March 1658, witnessed by Richard Horton,) to the plaint. to demande this horse, w^{ch} was read; vnto w^{ch} y^e defendt^r answered, that this horse w^{ch} the plaint. sues for, he tooke vp as a stray, about May was twelue moneth, the horse came into 3 acres of his pease and eate one acre to the ground, he endeavoured to drive him out but he would still returne to that place againe, o y^e morrow he got three of his neighbours with their horses to fetch him to y^e pound, & at last they got him into his barne, where he looked for his markes, but found no artificall marke vpon him; now he not knowing where to require poundage & damage, he went to Joseph Meade & desired him (he being

one that was much imployed in looking vp horses) to informe him whose y^e horse was, he answered, it is Crabbs colt, he asked him if he were sure, he answered he could not tell whose else it should bee, wherevpon he told Crabb that he had taken vp such a colt, vpon w^{ch} he & Joseph Mead came, & haveing looked vpon him, Crabb said, he thought it was non of his, he thought his were all marked, Joseph Meade wondered that he would not owne him, & y^t was the present issue at that time; after this, he cryed him at a towne meeting twice, & againe vpon a training day, at w^{ch} time the plaint' said it was Jessupps horse, but he knew him not, nor shewed any order frō Jessupp, nor produced any prooffe that it was his, therefore he tooke little notice of what he said, but he kept y^e horse vp 32 dayes, hoping the owner might appeare; the generall court drawing neare, he desired y^e deputies to propound it to y^e court, & they brought him word that he should set s³ vpon him, but y^e plaint' all this while said nothing; after this he kept him & teddered him, but seeing no issue he turned him into the woods where he now is. But of late the plaint layes a fresh claime to him & went to Leiftenn^t Bell & desired that the horse might be deliuered to him, w^{ch} Leiftenn^t Bell certified vnder his hand, to w^{ch} he replied y^t he expected y^t first he should proue the horse to be his; now in September last, w^{ch} was a yeare & half after, [217] the plaint brought Joseph Meade || and a little youth to make prooffe of it, y^e validity of whose testimony he questions; but being willing to peace, he told the plaint that if he would pay y^e damage & charges, (w^{ch} he would refer to two men to judg of,) he would deliver the horse; and to prove it, p^rsented the testimony of Daniel Scofeild, who testifieth,

That Geo: Slawson did offer Robert Vsher the stray horse in case he could finde him, vpon this condition, that he would pay him (the said Georg) all iust charges & damages that legally he could make appeare; and also the said George did tell the said Robt Vsher that he would willingly put the case vnto two indifferent men, the one being chosen by one, the other by the other, then the said George Slawson offered the

said Robt that any damage that was done to him concerning the horse he was also willing to put to arbitration.

Vpon oath taken before mee,

Francis Bell. Octob. 12, 1659:

To w^{ch} the pt now said, that he was willing to put it to foure men, w^{ch} he should proue, & to that end p^resented the testimony of Richard Hardy, who saith,

That Robert Vsher & Geo: Slawson haveing debate about the stray horse, the said Geo: Slawson would put it to refference, but would agree to have but one man apeice, the said Robt would have two men apeice, but the other would not agree to that; then I said to the said Slawson, you have in your brest the man you intend to have, & he said, it may be he had, & I did ap^rhend that foure men is little enough to end the busines, also that Robt Vsher did offer him that if he would deliver the horse to the said Robt, he would put in security to beare the said Geo: harmles if any other man should lay claime to him.

Taken vpon oath before mee, Francis Bell.

The 15th October 1659.

Joseph Meade now in court said, as touching the first part of the defendants declaration, that he came to gaine information it is true, & he said to him this horse I cannot say whose it is, but he thought it was Crabbs or Jessupps, for both Crabb & Jessupp had such a horse, both for couler & naturall marks, but he knew not how to distinguish them vnles the markes were searched, but when they had searched the horse & found no artificiaall marke, he then told the defendt that he might judg that it was not Crabbs because it was not marked, but he tooke it to be Jessupps, & besides his owne knowledg he enquired of another, who told him that Jessupps horse lay on such a neck, w^{ch} did the more confirme him in it that this horse is Jessups.

But the defendant replied that Joseph Meade left it darke whose the horse was, & spake of Crabb as the owner, & to proue it he p^resented the testimony of Francis Browne who saith,

I being at Goodmā Slawsons barne, I seeing Joseph Meade & goodman Crabb lookeing vpon a horse w^{ch} goodman Slawson tooke vp for a stray, I heard Joseph Mead say that the horse was goodman Crabbs, but goodmā Crabb would not

own him, & Joseph Mead seemed to be troubled that he would not owne him. This is to the best of my remembrance.

This taken vpon oath before mee,

Francis Bell. Octob. 17. 1659.

Rich. Lawes now in court testified that he was p'sent at y^e same time, & Joseph Mead did without doubt (as he tooke notice off) say it was Crabbs, but did not mention Jessupp as he remembers.

[218] || Joseph Mead was asked how that w^{ch} he related will stand wth what is testified by Rich Law & Francis Browne, to w^{ch} he answered that he did not busy himself to reconcile his relation & their testimony, for he could not grant what they said; he was asked if he could proue that he mentioned Jessupp, he answered y^t he supposed the claime was grounded on what he had said; he acknowledged that part was testified truly by Rich. Lawe & Francis Browne, but another part is left out, but if their memory faile, he could not help it.

To proue that this horse was demanded by the p^t of the defendt, he p'sented the testimony of Rich. Hardy, taken vpon oath Sept. 9th 1659, who saith,

That Robt Vsher did demand the horse w^{ch} goodm: Slawson tooke vp for a stray, for goodman Jessupp, at the head of y^e traine band, quickly after he was brought in question, (as he takes it,) before the horse had any stray brand given him, this demand was made in y^e yeare 1658, a little after the spring, and likewise Witt Oliver doth testify the same.

Taken vpon oath before mee,

Francis Bell. Sept. 9, (59.)

For to prove the horse to be his, the p^t p'sented y^e testimony of Jonathan Lockwood & Josua Knapp.

This is that my thoughts are, concerning the horse that goodman Slawson have taken vp for a stray, I do really thinke that it was one of goodman Jessupps horses because it is so like his breed.

By mee, Josua Knapp.

Taken vpon oath, Octob. 17, (59.)

before mee, Francis Bell.

Concerning that w^{ch} Jonathan Lockwood can say concerning y^e horse that goodman Slawson hath taken vp for a stray

is thus much, he doth verily beleue it was one of Edward Jessupps horses, because he is so like his breed.

By mee, Jonathan Lockwood.

Taken vpon oath Octobr 17. 59.

before mee, Francis Bell.

The defendt replied that the last winter his sonne brought home a horse very like this in question, but they lookeing further on him found him to be marked wth Crabbs marke, therefore he judges the testimonyes last read to be weake.

To w^{ch} the pt answered that this proves the trueth of that w^{ch} Joseph Mead had said, that Crabb had such a one.

October 10th, 59.

The deposition of John Bates vpon oath, he saith that he rideing out into the woods wth Joseph Mead to looke vp horses, about the begining of June last, & came vp to a company of horses, in w^{ch} company there was a young horse of Goodman Crabbs, w^{ch} I judg was about three yeares of age then, and Joseph Meade desired mee to observe & looke well vpon the horse to see what difference I could finde or make between y^t horse of goodman Crabbs & the horse taken vp by goodman Slawson, w^{ch} he called the stray, & I did veiue the horse dilligently & could not make any difference, either couler or naturall markes, and in coutenance & bignes, seemed as if it were the stray, only this difference, that goodman Crabbs horse was in better plight.

Taken before mee, Francis Bell.

The defendt p^rsented y^e testimonyes following, to proue that Jessupps mare had no colt.

The testimony of Jonathan Reynolds of Greenwich, Octob. 11, 59.

Jonath. Rennals affirms vpon oath, that the mare w^{ch} was [219] in || difference betwixt goodman Jessupp & goodman Crabb, when shee was in goodman Crabbs yard, to the best of his remembrance there was no colt with her when he first tooke her vp & put a halter on her.

Taken before mee, Francis Bell.

W^m. Hubberd his testimony vpon oath, the 11th October 1659.

The said deponent testifyeth that the mare w^{ch} was in difference betwixt goodman Jessop & goodman Crabb, I, the said William Hubberd, did fetch her out of the feild wth Abaham Frost so soone as we did heare shee was come out of the woods, w^{ch} was in the winter before there was a triall about

her at New Haven, & there came vp three or foure jades wth her & there was no coult in the company. Moreover I enquired, but could neuer heare of any, for I should have had half the coult, (if it could have beene found,) for the lookeing of it vp.

Taken before mee, Francis Bell.

The testimony of Abraham Frost, this 10th of Octobr 1659, vpō oath.

This is it, that I & W^m Hubberd fetcht vp the mare y^t was in difference betwixt Richard Crabb & Edward Jessupp, the winter before it was tryed at Newhaven, & then the said mare had no coult with her & y^t time was the first time that I had seene her or y^t any body else had seene her y^t yeare as I knew off.

Taken before mee, Franc Bell

Also a cirtificate subscribed by Jonath. Rennalls & W^m Hubberd was p^rsented & read, & is as followeth,

These certify the honored court y^t it being reported that wee Jonathan Rennalls & W^m Hubberd, did tell Joseph Mead or Robert Vsher that we did see a coult come vp with the mare at y^t time as is specified in o^r oathes, we heare affirme y^t we did not see any, neither did we so say to any. Witness o^r hands, Octob: 11, 1659.

Richard Lawes in court declared that when the mare was brought vp first, Crabb sent to them for their advice, shee haveing beene in controversy, vpon w^{ch} Francis Bell & hee went in winter to see the mare, at w^{ch} time she was very fatt, but no appearance of any coult.

Joseph Mead said that he was appointed to looke after Jessupps mares, accordingly he did ; this mare he knew of her first coult, w^{ch} was two yeares elder then this, the next yeare y^e mare had no colt, the yeare after y^t (to appearance) the mare was forward wth fole, but before he saw it, W^m Hubberd was imployed by Crabb to fetch vp the mare, who brought her vp & granted that she had a coult, w^{ch} he did and had reason to minde, being imployed by Jessupp, after this, he meeting with a company of horses wth w^{ch} there being a brown coult wth a small starr, without a dam, he brought it vp & bid Robt Vsher observe it, telling him y^t I thought it was the coult of that mare, & y^t vpon Hubberds words, as also because the mare had nō the yeare before. This was y^e winter before the aforesd triall.

The testimony of Angell Husted, October 18, 1659, was presented, who saith that the mare y^t was in difference betwixt goodman Crabb & Edward Jessupp, that after a day or two that she was brought vp the winter before the triall of her at Newhaven, that he saw no coult wth the mare, nor neuer heard of any. Witness my hand.

Angell A : H : Husted.
his marke.

I John Hobby testify that I being p^rsent when goodmā Crabb tooke vp the mare w^{ch} goodman Jessupp laid claime to, [220] there being || some of the neighbours by, we began to enquire one of another where her coult was, for we saw no colt in the company that she was with, wherevpon we judged among o^rselues that she had no coult that yeare or els had lost it.

John Hobby.

Daniell Simkins saith that the mare that was in controuersy betweene goodman Crabb & goodman Jessupp, w^{ch} vpon triall fell to be goodman Jessupps, when goodman Crabb tooke her vp shee had a colt with her w^{ch} followed her, w^{ch} Daniell Symkins look^t at to be that mares colt, & it was a darkish browne wth a little starr in the forehead, & when the mare was taken vp, the colt neighed, & being parted frō her by reason of the fence, the colt went away with the other horses, and as they went away y^e mare neighed, & to appearance shewed herself discontented after the colt was gone.

Y^e marke of Daniell 7 Simkins.

Mr. Richard Mills doth testify that the mother of Daniell Simkins doth affirme that her sonne is vpwards of 15 yeares of age, also the said Daniell did affirme to Mr. Mills that what he had testified was the trueth concerning y^e coult, also the father & mother of the said Daniel doe affirme that they have found him carefull in speakeing trueth, the same doth Mr. Mills affirme of him, being his scholler.

This testimony taken before mee, Mathew Gilbert.

The defend^t declared that the charges & trouble about this horse doth amount to 50^s, & the plaint^r desired that the worke done by the horse might be considered & deducted, & p^resented the testimony of Isaac Finch, w^{ch} was read, & is as followeth,

& he saith that he saw John Slawson two or three seuerall times ride to & againe after y^e cowheard vpon the horse called the stray, also he lett Tho. Closse have him in y^e woods to looke after horses.

Given in vpon oath, October 15, 59.

Before mee Francis Bell.

Robt. Penoyre vpon oath testifieth, that he mett with Tho Closse rideing on the stray horse, & came then out of the woods frō lookeing of horses, & he mett with him at y^e corner of goodman Weeds fence, & he came off frō the horse backe & y^e horse reeled (as hee apprehended, being tired, & at the same time John Slawson gatt o his backe, & as he got vp y^e horse reeled as before.

Octob. 17, 59. Before mee Francis Bell.

The Court having heard the case largely pleaded, both by pt & defendt. & the testimonies given in o either side, by way of sentence declared & ordered, that 40^s being paid by y^e plaint vnto the defendt, for charges expended & paines taken about the said horse, that the plaint. shall be posset of him, provided that he put in security vnto Francis Bell y^e constable of Stamford, to the vallew of the horse, to be responsible to any that shall proue a better title to him betwixt this & the middle of May, 1661, other charges expended, either by plaint or defendt in the psecution of this business, is to be borne by themselues respectively.

[221] || George Slawson complained concerning damage that is done in their corne by horses not belonging to the inhabitants of Stamford, & the owners not being p'sent, they know not where to require the damage. Joseph Meade answered that he knew no need of complaint, for he knowes of no great damage, & what damage is done is through defective fences, he further said that he had ppriety at Stamford, but if they intend M^r. Michells horses, if the court order that they shal be remoued, he supposes it will be attended; the court told him, if the towne of Stamford be vnsatisfied, such horses as belong not to the inhabitants, must be remoued. Joseph Mead was asked whether rates were paid to the jurisdiction for those horses, to w^{ch} he answered that it was not required, wherevpon the court declared, that it was iust y^t what rates are behinde for such horses should be paid, else y^e jurisdiçon is wronged, w^{ch} those intrusted at Stamford ought to looke after. Joseph Mead did now engage to answer any iust charges which by damage or otherwise should arise vpon the horses or mares belonging either to himself, M^r. Mitchell or Edward Jessupp, while they continue at Stamford.

The last fourth day of the weeke in Nouember next, was appointed for a publique thanksgiving for the mercyes of the yeare past.

AT A COURT OF MAGISTRATES HELD AT NEWHAVEN FEBR. 15,
1659.

Richard Raymond, of Salem within y^e colony of the Massachusetts, entred an action of molestation against Captaine John Penny, & declared concerning a vessell, (called the Black Eagle,) and goods, seized by the said captaine on the 7th of December last, but the said captaine appeared not, but instead thereof by his doctor sent a letter, dated February the 14th, to excuse his nonappearance, w^{ch} was read & is as followeth,

Honoured S^{rs}.

Be pleased to take notice that I am not in a capacity to attend your hono^{ble} court of magistrates, by reason of my weaknes, & your honners may be pleased to examine the bearer hereof concerning my strength at p^{sent}, who will give you satisfaction of my condition. S^{rs} if you will com aboard, I shall give your honner satisfaction concerning my comission, w^{ch} I suppose will give content to this hon^{ble} court. S^r, were I but able to attend the court, you should finde mee wth my witnesses to let M^r. Raymond know that is not hee or his speeches shall carry that vessell from mee, w^{ch} is a lawfull prize; which I shall make appeare. He hath beene pleased to put forth words that he hath an execution granted by your hon^r against my body & goods, w^{ch} I must confesse doth trouble mee, in the respect of his vnfidelities. S^r, I have no further to trouble your hon^{rs} at p^{sent}, but rest your freind to serve you.

John Penny.

His doctor affirmed that he was not able to attend y^e court, withall adding that further he had not to say, wherevpon, the [222] || season being cold, the court remoued to a private house to consider of this matter, & in answere to the captains lre, returned in writeing by the marshall as followeth,
Captaine Penny,

We being mett, as the court of magistrates for this colony,

to attend M^r. Raymonds complaint against yourself for taking frō him, as he saith, his vessell & goods vniustly, to his great damage & molestation, did expect your appearing by yourself or attorney, to have answered his pleas in y^e case depending, but instead of attending vs or the matter, psonally or by attorney, w^{ch} doubtles you were not disenabled to have done, nor needed to have feared any disadvantage, to yo^r cause by o^r ouer hasty proceedings to an issue, for in case your first instructions had not sufficiently furnished yo^r agent, to answere or proue what might appeare needfull for cleareing any matter brought into question, we should have given convenient time to repaire to your self for further information, & yet shall soe doe, out of respect vnto yo^rself & vnto peace wth righteousness. We are sorry you should receive such an irrationall & euill report concerning our granting execution before triall, w^{ch} is most false, and w^{ch} M^r. Raymond denyed in court, as also that you should expect vs to leave o^r vsuall place, to goe & attend this case o^o board yo^r shipp, & so lay downe o^r authority to attend yo^rs, for y^e pofe or evidence of yo^r acting legally, whereas you needed not to feare the doeing of it here to be any hazard of y^e losse of your co^mission, nor shall it so be now, for we assure you y^t no lawfull co^mission shalbe taken frō you, but returned wth safety. In w^{ch} if you psist still, refuseing to attend one way or other, to give an account of your action before vs in court at o^r vsuall place o^o shore, where we have alwayes attended both matters respecting land & sea, betwixt pty & pty resideing in o^r jurisdiction, & that wth good likeing & approbation to the co^monwealth of England, who have by comittee of Parliamt^t encouraged vs therein, we shall then looke vpon your caryage herein as slighting o^r authority, and not sutable to a peaceable accomodation, nor speake for iustice of your action wth M^r. Raymond. Wherefore let vs have such answere herein speedily from you by this bearer, y^t we may so pceed in the businesse, as that we may have cause to remaine yo^r freinds.

By order of the Court of Magistrates.

⌘ Will. Gibbard, *Secret*.

This 15th of Febr. 1659.

A second letter was received frō the captaine Febr. 16, w^{ch} is as followeth,
S^r.

Yo^r I have received, wherein I vnderstand that you are displeased because I had not gotten ā attorney to have answered the court, but I being a stranger in these parts, knew no man y^t could pforme y^t business, for mee, neither have I any man in my shipp to doe it, the bearer hereof you may be pleased to examine y^e witnesses w^{ch} he shall mention vnto yo^r hon^{rs}, [223] whereby you may || see M^r. Raymonds indirect dealings, & as you are pleased to thinke that I doe not act as I formerly seemed to be, I know not the reason why such thoughts should be of mee. And as you are pleased to write that you are not to goe frō the vsuall place where you keepe court, it is not any desire of mine that you should doe soe, but no comander doth carry any power on shore except it be in an admirall court, frō whence he hath his power. And for any action wth M^r. Raymond, I questiō not any dañage can come to mee in any admirall court. S^r, I desire you to veiw the act past in the yeare (52,) wherein wee vnderstand that noe Duch man ought to trade in harbour, creeke or coue of America, but is a lawfull prize. Gentlemen, I am not in a capacity to enlarge at p^rsent, but rest,
Yo^r Servant, John Penny.
Febr. 16, (59.)

To w^{ch} this following answer was returned.

Captaine Penny,

We have received yo^r letter dated Febr. 16, (59,) w^{ch} speakes nothing to the maine question w^{ch} we desire to be satisfied in, viz: whether you will come to a triall or noe wth M^r. Raymond here, by constituting an attorney to appeare ō yo^r behalfe, for yo^r doctor saith he hath no order, nor knowes any else so appoynted, wherefore, we not being willing to abide any longer delayes, doe require an imediate answer to this o^r writeing, by the bearer o^r marshall, whether you will attend an issue here or not; if here, then when, that vpon sufficient & standing security frō you, to abide the sentence, we may appoint another time within some few dayes, as may be convenient for the court to meet & you to attend; or whether you will put in such security to come to a triall in the court of Admiralty in England, & pforme according to their award w^{thin} twelue moneths space, according to yo^r

former proffers. Herevnto let vs have your plaine & full answer, y^t we may spend no more time to wait vpon this matter in vaine, for if you will doe neither, we shalbe forced to pceed to such issue as God shall guide vs to, without you, as looking vpon o^r gouern^t slighted by you, & rest,

This 16th of Yo^{rs}, according to righteousnessse.

Febr. 1659.

By order of the Court,

⌘ Willm Gibbard, Secretary.

A third letter frō the captaine was received, w^{ch} is as followeth,

S^{rs},

Yo^{rs} I have received, wherein I vnderstand you are very much displeased because I cannot gett an attorney to doe my busines for mee, but, as I have formerly written vnto you, I can get no man to officiate the place, and as you have written to know whether I will give security to answer it in y^e Admirall Court of England, w^{ch} I shall doe, for it was my former promise, and therefore I shall not deny any such thing, but wth this y^t Mr. Raymond may put in security to psecute the action in London, & I shalbe free to doe according to yo^r [224] demand in this || pticuler. And if you are pleased to draw obligations, I am very willing to signe to them, and I shall be willing to answer the complaint of Mr. Raymond within one moneths time after my arivall at London. S^{rs}, I thought good to give you this notice vnder my hand, in respect I was not in a condition to write when the marshall was aboard wth mee; so haveing not else at p^rsent, but remaine,

Yo^r freind to serve you,

Feb. 17th 1659.

John Penny.

This letter being read, it was demanded of the doctor, what the security was w^{ch} the captaine would give, to w^{ch} he answered that he would give his owne bond, provided Mr. Raymond put in security to psecute; but the security propounded was neither satisfying to the plaint. nor court, who told y^e doctor that they were but empty words, & y^t it was sufficient & standing security y^t was expected.

A fourth letter from y^e captaine was received, w^{ch} here followeth,

Honrd S^{rs},

I vnderstand that my former letter have given you noe satisfaction, and you demand that I should give security to

answere the complaint of Mr. Raymond in England, then you may be pleased to rest some few dayes after I am well to come on shore, to gett those freinds that may stand bound for mee, wherein I shall endeavo^r. As for my owne part, I doe conceive by my doctor that you doe object against mee, & I have given you no satisfaction as to yo^r desire, w^{ch} I must confesse I doe endeavo^r to give as full satisfactiō to this court as possibly lies in mee, I being in y^e condition that I now am in. Gentlemen, I have no further to trouble you at p^rsent, but euer remaine y^r freind to serve you. John Penny.

Febr. the 17th, 1659.

To this letter the court returned by the doctor, that if y^e captaine at the p^rsent would deliver the vessell & goods taken frō Mr. Raymond, as security to the authority here, it should satisfy vntill he had propounded further security, such as might be sufficient in the case, both for his appearance & abiding the sentence y^t shall be declared as the minde of the court in this matter, w^{ch} were it done, y^e court p^mised to meet againe sometime about a fortnight hence, when he might be fitt to appeare p^{son}ally to make his defence against the plainteife; vnto w^{ch} the captaine made no returne. By all w^{ch} cariages of his, the court findeing that he did but trifle in this businesse, they drew vp a narative of their proceedings, with an order anexed therevnto, & againe returned to the meeting house, where the gouerno^r declared y^t the court was begun before, at w^{ch} time y^e plaint['] appeared, but the defendt appeared not, since which time, what hath past betweene the court & Captaine Penny, by writeing or otherwise, was read & declared, w^{ch} being done, the aforesaid narative & order was also read and published, w^{ch} is as followeth,

[225] || Whereas, sometime wthin the moneth of Nouember last, there came into the harbour of Newhaven a shipp, called the Roebuck, vnder the comand of one Captaine John Penny, who, when & while his shipp there rode at anchor vnder o^r gouern^t, sent forth a boat or small vessell, & therewithall seized or surprized a vessell & goods belonging to one Richard Raymond, a planter or inhabitant of Salem within the Massachusetts Colony, w^{ch} said vessell & goods they brought into this harbour, & here have taken out & disposed the same, without p^rsenting any inventory to the authority here, concerning w^{ch} action Mr. Raymond came to the gouerno^r &

complained, as illegally & wrongfully done against him, who therevpon sent forth his warrant to require Captaine Penny to deliver vp the said vessell & goods to custody of y^e authority here, vntill a iust triall might be had of the case by a court of magistrates, according to the order of this colony in such cases provided, for a right issue & lawfull carrying of the businesse, both as it might respect Mr. Raymond or the Comonwealth of England, whose interest by y^e Act of Parliam^t in 1651, ought to be cared for by the next court of record where the prize is taken, vpon the ground of that Act. But the said captaine refusing to obey that warrant, or to shew a comission or any other authority for his so acting, at the request of the said Raymond, a court of magistrates was called & the captaine againe sumoned to attend the heareing & issuing of the said matter, wheneas yet againe y^e said captaine neither psonally nor by his attorney would appeare to answere the plainteife, nor yet vpon seuerall respectfull requireings in writeing, sent to him by y^e marshall from the court then mett & waiting vpon the businesse, would the captaine be brought to any meet attendance at p^rsent, nor to produce any comission, Act of Parliam^t, &c., to warrant his so acting, though it was promised by y^e court y^t no such iust authority should be taken away, but returned with safety to him againe, nor to put in sufficient & standing security for an after heareing & issue, when he might be more fitt for psonall attendance by recouery from some bodily illnes, w^{ch} (as he saith) doth now disenable him therevnto, nor to put in such security as aforesaid, to answere it in the Court of Admiralty in England within 12 moneths, as was tendred to him by the court, with consent of the plainteife; but he psisted by meere words & dilatory expressions to put off y^e businesse, as not mindeing to give account, either here or in England, & so slighting all authority here, & refusing to be engaged as aforesd to any righteous issue, as may become honest & peaceable men to doe.

Wherevpon, the court (considering the forementioned injurious & offensive carriages of the captaine, destructive to gouern^t & good order here, together wth some more then ordinary incivillityes pleaded against him by the said Raymond, as abuseing his soune, detaining all his bookes of accounts & apparell in his chest, &c., vntill this morning, as also an appearance of dishonorable & vnfaithfull demeano^r against y^e Comonwealth of England, in acteing like an vnwar-[226] rantable || plunderer, vnder the p^rtence of their authority; by all w^{ch} practises he here seemeth to discouer himself to be no freind to order, peace or righteousness, as becometh an honest christian man, or a loyall & faithfull English sub-

ject, or minister of state, as he p'tends to be,) did therefore, (first in behalf of o'r owne gouerm't by him slighted, secondly in behalf of the Comonwealth of England & y^t Act of Parliament by him neglected, thirdly in behalf of o'r confederate neighbour, Mr. Raymond, his right to a course of justice to be granted by vs,) order & enioyne, That all estate, goods or comodities, within this jurisdiction, belonging to the said Captaine Penny, or any of his company y^t have not disowned his acting in this businesse, shalbe forthwith seized & secured, to answere for these injurious & contemptuous miscarriages. And further, (y^t so he may not bee enabled by vs to pceed on in such mischeivous practises, destructive to gouerm't, peace & righteousnes, as well against England as o'selues,) we doe prohibit & forbid y^t no estate, goods, comodities, pvisions, or other accomodations of any kind, or belonging to any pson or psons whatsoever, shall be shipped o' board any shipp or shippes, vessell or vessells, of greater or lesser quantity, within this jurisdiction, or any part or plantation therein, nor any horse or horses, mare or mares, or other cattell, thing or things, any other way to be conveyed or transported out of this colony or jurisdiction, but vpon sufficient & standing security first put in, to the authority of the place or plantation whence it is to be transported or conveyed, not to be paid, traded, shipped or supplied vnto the said captaine, shipp or company aforesaid, vpon the penalty of the forfeiture of double the valew of what shalbe so shipped, transported, laded, supplied or otherwise conveyed to y^e said captaine, shipp or company, either mediately or imediately, directly or indirectly, so that by no meanes it may so be done at any time whatsoever while he or they shall remaine within 20 leagues of any part of the coast of New England, or vntill this court shall give further order herein, or the court of Newhaven, if they shall see cause to intermedle in it, for whose direction herein we declare, that this act aforesaid shall stand in force vntill that the captaine have put in sufficient & standing security, to the vallew of 600^{li}, to come to a triall of his action with Mr. Raymond, either here or in England, seasonably, & to pforme according to sentence in either court, & also have given this court satisfaction for any offence given against their authority & gouernment, or if he refuse, then vntill as aforesaid.

By order of the Court of Magistrates,
this 18th of Febr. 59, p W^m Gibbard, *Secret*'.

Vpon which the court concluded, & y^e aforesd Mr. Raymond sd that he desired to be thankfull to y^e court for their care & faithfulnessse in this businesse.

[227] AT A COURT OF MAGISTRATES HELD AT NEWHAVEN Y^e
LAST OF FEBR. 1659.

The Court being mett to consider of the businesse depending betwixt Mr. Richard Raymond, plainteife, & Captaine John Penny, defendant, (who both made their appearance,) the gouernor declared that y^e court was now ready to attend the businesse, but it would bee acceptable to them, could they come to some meet agreem^t betwixt themselves. The captaine desired (being forced, as he said) y^t it might proceed to triall heare, or he would answere it in England. Mr. Raymond declared that he had suffered much damage by y^e captains act, neuerthesse he was willing to agree wth the captaine, but if not, he was ready to attend the issue here, but declared if the sentence past against him, he intended to appeale. Y^e gouernor declared that he observed that the captaine said that he was willing to have it tried in England, he was told y^t it would be no offence to the court if they did so agree. Mr. Raymond said if the captaine would deposit the vessell & goods in the hands of the court, & engage as security the 8th pt of the shipp, with his owne bond, as he lately tendered, he would accept it & it should be tryed in England; but y^t y^e captaine now refused, & w^{ith}all declared that he had often proffered Mr. Raymond his owne bond to answere it in England, & that he should have his passage thither in his shipp, w^{ch} he was still willing to doe, but to leave y^e vessell & goods here, where his businesse was not, would be very prjudiciall to him. Mr. Raymond & the captaine thus differing, the action proceeded, & the plainteife declared,

That he was forced by his employm^t to have to doe wth a Duch vessell, being he could not get an English vessell to doe his businesse; being at Stamford, he hired a Duch vessell, whereof himself was to goe master, after w^{ch} at the Mannatoes heareing that Captaine Penny was here to take Duch-men, he was thinkeing how to secure himself frō him, (though he vnderstands not how he can doe it without a comission,) & that afterwards he bought this Duch vessell at the Mannatoes & came northward, but as he was returning to the Manna-

toes, being w^{thin} a league, or a league & half, of Stamford poynt, Decemb^r the 7th, Captaine Pennys men haled him & demanded who & what he was, he told them y^t his name was Richard Raymond & that he lived at Salem; Mr. Griggs comanded him to lower & come aboard, being come aboard they asked whose the vessell was, he told them it was his & shewed them a bill of sale for the said vessell, & that one of them he conceived read the bill of sale & then told him y^t they must carry the vessell to Newhaven, wherevpon he asked them where was their comission, but they shewed non; Mr. Griggs asked him if he would goe to Newhaven in the vessell, w^{ch} he refused, chusing rather to goe ashore there, though he was but thin clothed & forced to wade ashore, though in a cold season, and cominge to Stamford, he consulted with Mr. Lawes & Mr. Bell about this busines, vpon w^{ch} Mr. Bell went downe to the water side to require an acc^o of the captaines men about this matter, but they who had pmised to come into Stamford harbour were not there, but gon ouer to Oyster Bay; he further said that on the second day y^e next weeke [228] || he came to Newhaven, where he mett the captaine at y^e Gouverno^rs, & told him that his men had seized his vessell, & that he shewed him there his bill of sale, dated the 25th of Nouember, w^{ch} the captaine objected against & put him to proue y^e reallity of it; vpon w^{ch} he was put vpon a iourney to the Mannatoes & was there called by the court to make p^rsent paym^t for the vessell or give security for the said debt, so that he hath beene forced to travell to the hazzard of his health & life, & was all this time deprived of his cloathing & food, that had he not had freinds that supplied him, he had beene in a very distressed condition, he therefore entred a action of molestation against Captaine Penny to the vallew of 600^{li} for his vessell & goods seized by the said captaine. For the cleareing of sundry passages in y^e declaration, y^e plaint p^resented the testimony of Richard Ambler, as followeth,

Stamford February 8th, (59.) Testimony of Richard Ambler, aged about 45, vpon oath he saith,

He being aboard the vessell wherein one Griggs was m^r, & there came a vessell by, & the men of the vessell said they would take the vessell, & I told them it was Master Raymonds

vessell, & imediatly Mr. Raymond stood vpon the decke & the men said they cared not who it was, they would see who it was, & when they came vp they comāded Mr. Raymond to lower his sailes & he lowered, & then they comāded him aboard & he came aboard, and they examined him, whence he was, & what vessell it was, and whose it was, Mr. Raymond said it was his owne, he had bought it, & they asked him what he had to shew for it & he said he had a bill of sale, & they bid him let them see it, & when they see it, the man y^t see it put it vp in his pockitt & went to the helme, & then John Griggs came aboard Mr. Raymond & asked for the bill of sale & Mr. Raymond said one of his men had it & Griggs comāded y^e bill frō the man & gave the man Mr. Raymonds bill againe, & they tooke the vessell & sailed away into the cove & promised & engaged to Mr. Raymond that they would not meddle wth any of the goods but a few of the turnipps, & the next day they would bring the vessell into Stamford harbour & to stay there till Mr. Raymond came againe frō y^e captaine; Mr. Griggs advised Mr. Raymond to go to the captaine & come againe to Stamford.

Francis Bell.

Also a writeing (dated Nouembr 5th, (59.) witnessed by Rich. Law & George Slawson,) was by the plaint^r p^rsented, containing an agreem^t betwixt himself & Lawrence Lawrisson & Derrick Johnson, whereby it appeared that the sd Raymond did at 10^{li} a moneth, hire the vessell called the Black Eagle of the parties aboue mentioned of w^{ch} vessell the said Raymond was to goe master.

But to proue that not Mr. Raymond but Derrick Johnson was m^r, the captaine p^rsented a Duch acc^o, found in y^e vessell, whereby it appeared that Derricke Johnson sometime in December last received for freight, w^{ch} he said did belong to the m^r to receive, vnto w^{ch} Derrick Johnson answered that there was a mistake in y^e date.

[229] || But that the said vessell was since bought, the plaint p^rsented a bill of sale, (thereby to make it appeare,) w^{ch} was now read, & is as followeth,

Translation by } Appeared before mee, Mathew De Voz,
Carell Van Brugge } notary publicq, admitted by the gou-
verno^r gen^l & counsell of the New Netherlands, & the following
witnesses, Mr. Derrick Johnson & Lawrence Lawrisson, inhab-
itants of this place, & doe declare to have sould vnto Rich:

Raymond of Salem in New England, the w^{ch} declareth to have bought a vessell named y^e Black Eagle, wth saile & treyle, & all appurtenances thevnto belonging; the w^{ch} bargain is made the 15th of October 1659, for the sum of foureene hundred gilders, to be paid in seawan, the paym^t to be made betweene the 15th of October and new yeares day anno 1660. These that have sould y^e foresd vessell, doe engage to free him frō all challenges or pretensions for their parts, & the buyer doth promise at the p^rfixed time to bringe their paym^t, y^e w^{ch} as above written is mentioned & in the bill of sale is specified, all which is mentioned both buyer & seller, & doe engage each other to p^rforme the same, cause or make the same to be done, obligeing themselues for the p^rformance vnder all justices & judges. Made in the p^rsence of Timotheus Gabry & Jacob Fis as witnesses, the w^{ch} vnderstand the English language.

Amsterdam, in the New Netherlands this 25th of Nouember, anno 1659.

This agreeth wth y^e principall,

Mathew De Voz, Nota: publiq.

1659

11 D

25 N

The captaine desired that the double date, & y^t it was wthout wnesse, might be both considered & compared with y^e agreem^t for hire, w^{ch} is dated the 5th of Nouember 1659, by y^e English account, & the bill of sale the 15th of October, Duch account, w^{ch} makes y^e sale to be a moneth before y^e hire, w^{ch} proues y^e sale not to be reall. To w^{ch} the plant answered, that he was not acquainted with Duch lingo, but y^e reallity of the bargain was this, that he bought the said vessell o the 25th of Nouemb, Duch account, & as for y^t of the 15th of October, he knew nothing off, but it was a mistake of the writer, w^{ch} to make appeare, M^r. Raymond p^rsented in writeing as followeth,

An extract out of the court booke of the citty of New Amsterdam, held the 13th of January, 1660.

Translation by } Lawrence Lawrisson & Derrick John-
Carell Van Brugge, } son, plainteifs, against M^r. Rich: Ray-
mond defendant. The plaint desire of the defendant paym^t
for the some of foureteene hundred gilders, for a vessell named

the Blacke Eagle sould vnto him, & to put in security for the paym^t thereof.

The defendt acknowledged the debt, saying he had nothing to say against it, & desired time for payment.

The demand & answere heard, of both parties, haveing read [230] all || their writeings, declarations, witnesses & what therevnto appertaineth, before vs y^e schout, burgermasters & assistants of this city, doe finde no otherwise but that it is a true & iust bargaine, bought & sould, notwithstanding in their act or bill of sale, the date thereof is differing, w^{ch} we finde by mistake of the writer is comitted, therefore we condemne the defdt, to pay vnto the planteife the some aboue mentioned, or give him security according to agreem^t as by y^e bill of sale doth appeare, & condemne y^e defendt to pay cost & charges in this cause.

Was vnderwritten, By order of y^e Court,
Johanis Neuius, Secretary.

For the further cleareing of the case, the plaint also p^{re}sented another writeing containeing certaine intergatories wth answeres vpon oath, w^{ch} originall writeings are in the hands of y^e planteife, & are as followeth,

Translation by
Carrell Van Brugg, } *INTERGATORIES.*

Vpon w^{ch} by request of Derrick Johnson & Lawrence Lawrisson, in the p^{re}sence of the Heer Schout, Nicasius De Sille, & y^e p^{re}sent Burgermasters, Martine Crieger after citation Mr. Timothy Gabry & Jacob Fis to be examined.

1

Answer. The age of the witnesses.

Timothy Gabry aged
about 55 yeares, frō
Amsterdam. Jacob
Fis aged about 45
yeares, borne at Am-
sterdam.

2

Answer.
Yea.

Is it not the trueth that they witnesses
vpon the 25th of Nouember 1659, have
testified concerning y^e sale of a certaine
vessell named y^e Black Eagle, then sould
by y^e requestants vnto one Mr. Rich:
Raymond of Salem in N. England.

3

If they witnesses did not vnderstand
as now by these p^{re}sence are vnderstand-

Answered. ing, that the aforesaid bargaine was made vpon the 25th of Nouembr^r, effectually & accomplished, notwithstanding that in the act made by y^e notarys Mathew De Voz is expressed certaine sentences of the 15th of October 1659, as when at that time the bargaine seemeth to be made.

4

4

Answered. If need requireth, they will depose They were alwayes their declaration vpon oath. ready to doe y^e same.

These intergatoryes above mentioned, & the examination of Timotheus Gabry & Jacob Fis, by demand and answer [231] || as appeareth in the margent, this 10th of January 1660, Amsterd in the New Netherlands, in the p^rsence of the Honorble Gouverno^r Gen^r^{ll} of the New Netherlands & y^e Honorble Councill of New Amsterdam, in y^e p^rsence of the Dr. Schout, N: De Silla. Johanis Neuius, Secretary.

Translation of the oath aboue specified, as followeth, by Charles Bridge.

Vpon the 10th of February, anno 1660, hath Timotheus Grabry & Mr. Jacob Fis verified their declaration o y^e other side specified, being in the hands of the schout, Nicasius De Sille, vpon oath, before the court of the burgermasters & schepens of this towne of New Amsterdam in y^e New Netherlands, y^e date aboue written. Johanis Neuius, Secretary.

These writeings being read, the captaine declared that he was vnacquainted with y^e Dutch affaires, but he could proue that the vessell was a Dutch vessell vpon hire, & not bought as was p^rtended by the plaint. To w^{ch} end, he p^rsented these testimonyes, w^{ch} are as followeth,

Mr. Tho. Pell testifieth that before Mr. Raymond went fro Fairefeild to Norwalke with the vessell w^{ch} is taken, y^t Mr. Raymond told him in his house that he had hired that vessell by y^e moneth that is taken, & he said he thought he might buy her if he would. Humphry Hid was p^rsent at the same time.

Tho: Pell.

Humphry Hid testifieth that he was at Mr. Pells house, & heard there Mr. Raymond say that he had hired y^e sloop w^{ch} he was at Fairefeild last with, this he testifieth to y^e best of his remembrance, & Mr. Pell was p^rsent the same time, as he saith.

These witnesses were sworne to what they have aboue testified this 24th of Feb. 1659, in Fairefeild, before mee,
Nathan Gold.

Jonathan Lockwood of the age of about 24 or 25 yeares, testifieth that at Stamford that Duchman y^t went wth Mr. Raymond in the vessell w^{ch} he said the capers had taken, he said y^t Duchman told him in discourse, that part of y^e vessell which he said the capers had taken, it was his owne, & that they had taken from him fifty pound starling in goods.

This witnesse was sworne to what he hath here testified, this 24th Feb. (59.) in Fairefeild, before mee,

Nathan Gold.

Joseph Lockwood testifieth that when y^e vessell w^{ch} is reported to be taken, that M^r. Raymond was in, in Fairefeild harboure, that M^r. Raymonds sonne told him that his father had hired that vessell for about three moneths, vntill his fathers vessell came frō Virginia.

This witness was sworne to what he hath here testified, Feb. 24th, 59, in Fairefeild, before me, Nathan Gold.

[232] || To that w^{ch} is testified by M^r. Pell, M^r. Raymond answered, that it was true that he said to M^r. Pell that he had hired the vessell, (as before he had declared,) but y^t he had bought her, he was not then bound to give an acc^o, & the reason was because he had signified in a letter to his sonne frō Stamford to Stratford, Nouembr 6th, that he had hired her, w^{ch} was so at that time, w^{ch} did so appeare by a passage in y^t letter w^{ch} was now read. M^r. Raymond was asked whether he was at the Mannatoes betwixt the time spoken off by M^r. Pell & y^e seizure of the vessell, to w^{ch} he said noe.

Anthony Elcote vpon oath testified, that M^r. Raymond told him at the Mannatoes, that he wanted a vessell to goe into y^e north, but he needed not to buy one because he had two vessells of his owne, a catch that was gon to Virginia and a small vessell hired to his sonne, w^{ch} he said would come into his hands in y^e spring, (as he remembers,) & y^t he had hired of the Duchman, at 10^{li} a moneth; but he would agree with the Duchman & have a bill of sale, that if the captaine should meet with him, he might have somewhat to shew, but if he should misse of him, he might returne the vessell to him againe; this was to y^e best of his remembrance, in the afternoone next before M^r. Raymond came frō the Mannatoes. Vpon w^{ch} M^r. Raymond affirmed that the vessell was bought by him in y^e evening before he came away.

Mr. Edward Palmes also vpon oath testified that vpon y^e 18th or 19th of Nouember, he meeting wth Mr. Raymond at New London, he told him that y^e vessell he had was a Duch bottom & y^t he was in treaty with y^e Duchman about buying her, but he had not fully bought her.

Mr. Raymond saith that he knoweth not that he so spake to Mr. Palmes, but vpon the question put to him, granted that after his speech with Mr. Palmes he was not at the Mannatoes before the said vessell was seized.

The captaine further alleadged, that it appeareth by Mr. Raymonds owne expressions that she was a Duch vessell, & desired that some further testimonyes might be received & considered.

Wherevpon W^m Peck being called, testified that Mr. Raymond said that the Duchmen, or Duch gouernor, bid him looke to his estate, they would doe well enough to right themselves, & y^t Mr. Raymond wisht y^t Mr. Hudson or some other did not suffer for it.

Mr. Bryan testified that Mr. Raymond told him, that if y^e vessell were not restored, the Duch would right themselves on y^e English. To the same purpose testified Mr. Goodenhouse.

John Allen said that he heard Mr. Raymond say, that the Duch gouernor threatened the English to right himself vpon them.

Mr. Raymond haveing formerly pleaded against the captaine for an vncivill carriage towards him, in denying to deliver his chest, w^{ch} he also said he could make prooffe off by With Trowbridg, wherevpon the said William Trowbridg was now called, [233] who testified that Mr. Raymond desired him to || goe with him to Captaine Penny, & he went aboard & into the great cabbin, but Mr. Raymond stood without vpon y^e ice, & y^t he heard Mr. Raymond demand his chest, but what y^e captains answere was he heard not.

Sargeant Beckly said that he heard W^m Trowbridg tell the captaine that Mr. Raymond was come to speake with him, and so passed into the great cabbin, but to heare the discourse betwixt the captaine & Mr. Raymond he could not.

Edward Preston said that the captaine told Mr. Raymond

that he should have his chest and cloathes when he had looked into it.

The captaine affirmed that he denied not Mr. Raymond his chest, onely he told him he must first looke into it, as is testified, & the key was not then present, so that it could not be done at that time, but since he hath delivered it.

But Mr. Raymond pleaded that sundry things are wanting in his chest, & that he found no apparrell in it save a cloake, & that whereas he had about 20^{li} in wampom, he now findes but 8^{li} or thereabouts; to w^{ch} the captaine replied y^t Mr. Raymond when he saw it opened said that he saw not but it was as he left it, & y^t whereas now 20^{li} is spoken off, that Mr. Raymond hath formerly said that he had 10^{li} there, & some of it hath been taken out by Mr. Raymond himself, who denied not, but withall said that he tooke out but 6 or 7^s.

The Court haveing heard the severall allegations, answers & replies, of plaint. & defendant, with the seuerall testimonies on either side, it was declared that it appeares that Mr. Raymonds vessell & goods hath beene seized by Captaine Penny; he was desired to shew by what authority he hath so done.

To w^{ch} he answered, he supposed that it was proued from Mr. Raymonds owne words that the vessell in question was a Duch vessell. It was againe demanded by what authority he hath made this seizure; to w^{ch} he now said that he had a Sweads comission, (but withall granted that it was of no effect here,) & besides he vnderstandeth that the Acts of Parliam^t will beare it out. The captaine was told that it must be vpon y^e breach of some law, it was now called for that that law might be shewed; he said that no man was to trade in any Duch bottom in any harbour, creeke or coue of America, but y^e law he produced not. The captaine was told that y^e court had been enquireing, first, whether it was a Duch vessell or an English vessell, & y^t Mr. Raymond had endeavoured to proue her an English vessell, but he had endeavoured to proue her a Duch vessell, & y^t the sale pleaded by Mr. Raymond was delusive & not reall; now secondly, it is enquired how & by what authority he hath seized this vessell, but the Acts pleaded are not produced, but the court must seeke out grounds for

y^e iustificatiō of his action; the captaine againe pleaded that he supposed y^e Acts of Parliam^t & articles of peace will be to him a sufficient warrant, he was told y^t no such acts were euer sent ouer to be published here, to w^{ch} he replied that he expected to be tryed in an Admirall Court, where the lawes [234] are knowne, || but he is now forced vpon a triall in reference to his trade w^{ch} is here interrupted.

It was demanded both of plaint & defendt if they had ought more to say in y^e case, but nothing being p^resented, y^e court adiourned till the morrow, of w^{ch} publike notice was now given.

On the morrow the gouerno^r demanded of plaint & defendt whether they were come to any agreem^t betwixt themselues, to w^{ch} they said no, wherevpon the gouerno^r declared that y^e court takeing y^e case as they left it y^e last night, that all mistakes may be p^ruented & y^e grounds of the courts so pceeding may be declared, they have drawne vp their mindes in writing, w^{ch} was read, & is as followeth,

Forasmuch as vpon complaint made vnto y^e authority here by Richard Raymond, a planter & inhabitant of Salem within y^e Massachusetts colony in New England, against one Captaine Penny, captaine of the shipp called the Roe Buck, belonging to the city of London in old England, of wrong & injury done vnto him by seizing his vessell, called the Black Eagle, vpon this coast, neare a place called Stamford point, & thence carryed her away into Newhaven harbour, & there vnladed the goods & broke bulk, before or without p^resenting an inventory vnto the gouerno^r or gouerm^t, nor to obey his warrant sent to require the said captaine to surrender or deposit y^e said estate vnder safe custody for triall, a court of magistrates was then called at y^e request of the said Raymond, to consider y^e businesse, who meeting on the 18th of February, did order & enioyne that all trade, comerce & supply should be denyed vnto the said captaine & withheld by all the inhabitants, wth all or any estate within this colony, vpon the grounds expressed in that act or order, vntill that he should put in sufficient & standing security to answere the matter & to shew by what authority he had so done, & to abide the sentence therein, either here or in the court of Admiralty in England, as had demanded of him; vpon w^{ch} restraint the sd captaine came on shore & declared himself to submitt to a triall here, if the court would grant another attendance to y^t businesse, w^{ch} was done,

& both y^e captaine (pforce, as he said,) & the sd Raymond then appeareing & p^rsenting sundry pleas & testimonyes very contradictory each vnto other, each party haveing threatened to appeale vnto the Co^monwealth of England & there to represent the case to the court of admiralty for justice, in case they like not the sentence here, so that we could expect no acquiescence in whateuer issue could be here adjudged, nor did the captaine produce any comission, Act of Parliam^t, &c., vpon w^{ch} he had so acted, or observed, onely he said he had a Sweades comission, but shewed nō, saying that it was non effect here. For w^{ch} causes or reasons aforesd, as also for that no such Act of Parliam^t phibiting neighbourly comerce betwixt adioyning colonyes of Duch & English in a time of amity betwixt the two States of England & Holland, or such freinds or subjects of either as were so scituate in these parts, hath [235] ever been sent ouer hither to be pmulgate || nor the extent of it euer declared to prohibit y^e sending or selling to such Duch neighbours pvisions or victualls for their necessary vse & liuelyhood, w^{ch} is y^e substance of all the trade betwixt vs on the English part, vnlesse some wampom w^{ch} is not otherwise tradicable. Vpon these & such like grounds as aforesaid, the court of magistrates here met at Newhaven, have vpon this first of the first moneth anno (59,) declared & ordered, that the whole matter be transmitted vnto the hono^rble court of admiralty in London, to be there tried & issued; meane-while, the whole estate, according to a true invoice of what was seized, & iust apprisem^t, to remaine here vnder sufficient & standing security, to be payable vnto whomsoeuer shall have order from that court to receive it, when such order shall be produced & vndoubtedly appeare to be the sentence of that hono^rble court. Which said triall or posecution is hereby enioyned to be attended by either party before one whole yeare be expired next after the date of this order, vpon the penalty of y^e forfeiture of all clayme or interest in the estate w^{ch} is here so deposited & secured, by the party faileing so to psecute or attend. The charges of the first court here to be borne by the said Raymond, & the charge of this second court by the said captaine for the p^rsent, vnlesse or vntill the court of admiralty shall otherwise order or impose it vpon either party. Vpon observance of this order, on the captaines part, the former order or restraint to bee made voyd & the captaines other security is hereby released.

The businesse betwixt Mr. Raymond & Captaine Penny being thus issued, the captaine was told that y^e affronts he hath offered to the gouerm^t here (in disobeying y^e gouerno^r''

warrant sent by the marshall, y^t required onely a delivery of the vessell & goods vnto custody of authority here, vntill a triall had past in y^e case betwixt M^r. Raymond & himself,) remaines yet to be considered. Vnto w^{ch} the captaine answered, that he had beene at the carrying in of many prizes, but he neuer knew any disposest of them, but if he did any thing affrontingly to y^e gouern^t he was sorry for it, but withall said, that he desired y^e marshall to p^rsent his service to the gouernor & to tell him y^t y^e vessell & goods was at his com^{and}; he was told y^t was but words, but the thing was not done, wherevpon the warrant was read & the captaines answer, w^{ch} here followeth,

Marshall,

You are hereby required to goe aboard the shipp now in the harbour, & there or elsewhere in the towne, demand of Captaine Penny the vessell & goods w^{ch} he tooke of M^r. Raymonds, to be deliue^d vp to the gouern^t in this place. Vpon y^e deliue^ry whereof, let a iust inventory be taken, before sufficient witnesses, of what you receive, w^{ch} you shall put in safe custody & securely keepe, till we can call a court to judge in the case, w^{ch} shalbe without any vⁿecessary delay when the wether is seasonable for the magistrates to come together, whose order we hereby engage vessell and goods shall be ready [236] to attend, whether to Captaine Penny, || if to him judged lawfull prize, (due care being taken for that part w^{ch} belongs to the Co^monwealth of England,) or to M^r. Raymond, if it otherwise appeare. W^{ch} if he refuse to doe, take his answer in writeing before witnesses & returne.

Dated at Newhaven y^e } Φ Francis Newman, Gouernor.
25th of January, 1659. } of Newhaven Colony.

Captaine Pennyes answer, January 25th, (59.)

That himself & sloop was at the comand of y^e gouern^t, but would not deliver it on that warrant as I carryed to him except the authority would take it away from him, otherwise he could not answer his masters in England that did imploy him.

Witnesse

Tho. Kimberly,
Edward Preston.

the marke of

Francis N Browne.

The captaine was told that he had but trifled in this businesse, sometimes p^rtending to a Sweads comission, sometimes

to a Portugall comission, sometimes to a English comission; the last he now denied, but was asked if he had not said he had a comission & if the gouerno^r would send aboard he would shew it, & his first letter speakes the same, and if he did not meane an English comission he then abused vs, for he himself said y^t an outlandish comission was of non effect here; he was asked if hee had not also said y^t he had no Sweades comission, w^{ch} he granted to be true that he did so say at y^e Mannatoes y^t he might get passage by, w^{ch} vntrueth y^e court witnessed against & told him that he had by these carriages much dishonoured himself. The captaine acknowledged that it was his fault that he did not obey the warrant, & desired the court to passe it by, & declared y^t it was his purpose not to give offence to this gouerm^t while hee stayes, nor to any gouerm^t where he shall come. The captaine was told that the consequences would bee hazzardous, both as it refers to strangers or those amongst o^rselues, if men should be suffered to dispise y^e authority & gouerm^t settled amongst vs, but he being a stranger, the court did encline to favour if his future carriage whilst he remains here be to satisfaction.

Mr. Scott did desire it might be noted y^t he did protest against Captaine Penny, & declared that he was damnified 80^{li} by the interrupting of his proceedings in his voyage, occasioned by his act concerning y^e vessell he hath seized of Mr. Raymonds.

[237] || The vessell & goods returned by Captaine John Penny, & deposited with the court, (in reference to the case depending betwixt Mr. Raymond & himself,) being inventoried and apprizd, as in a paper subscribed by W^m Peck, Thomas Kimberly, ^ in the pticulers doth appeare, doth amount to 238^{li}, 9^s, 2^d, besides w^{ch} Mr. Raymond demanded of Captaine Penny, as seized by him & not returned, certaine goods to the vallue of 45^{li}, 6^s, 8^d, w^{ch} here follow,

	li	s	d		li	s	d
Beife,	04	00	00	Butter in a fatt,	01	00	00
Porke,	03	08	11	150 ^{li} biskitt,	01	07	00
Butter & a paile,	00	12	00	12 bush: onions,	02	08	00
12 bushell turnipps,	00	12	00	2 pewter potts,	00	04	00
A wascoat,	00	07	00	3 brest wimbles,	00	03	00
A p'e of breeches,	00	08	00	2 hamers,	00	01	06

	li	s	d		li	s	d
6 ^{li} pepp,	00	14	00	A skin of beavor,	00	16	00
Broad cloth 3 yds $\frac{1}{2}$ $\frac{1}{2}$,	03	07	06	30 cheeses at 18 ^d ,	02	05	00
A munmoth capp,	00	04	00	<i>Derrick Johnsons goods.</i>			
2 p'e gray stockings,	00	05	00	A boosh. pease,	00	03	06
Wampom,	08	00	00	A coate & breeches,	02	00	00
A shirt, ribbining	}	01	15	A red capp,	00	01	03
wampom, a neckcloth,				2 pillows & cases,	00	08	00
Weights,	00	03	00	Flower,	00	04	00
2 sacks,	00	07	00	Wampom,	08	00	00
2 yards of bangle,	00	05	00	6 ^{li} butter,	00	03	00
A firkin of butter,	01	10	00	5 ^{li} candles,	00	04	00
	25	18	05		19	08	08
				Total,	45	06	08

Mr. Richard Raymond, Lemuell Raymond his sonne, aged about 15 yeares, & Derrick Johnson, or at least two of them to euery pticuler aboue mentioned, did vpon oath testify that these goods, as aboue, were all seized by Captaine John Penny & not returned, to y^e best of their knowledge, & that the vallue was iust, according to their best light.

Before Mr. Francis Newman, Gouvernor,
the 22th March, 16 $\frac{2}{3}$.

For w^{ch} goods Captaine Penny left salt (as he said) 300 bushell as security.

[238] AT A COURT OF MAGISTRATES HELD AT NEWHAVEN, THE
28 OF MAY, 1660.

Francis Browne of Stamford being bound ouer to this court to answere Samuel Plumb of Brandford in an action of the case concerning Edward House, appeared, at whose desire, (he being not p^rpared,) the businesse was respitted vntill y^e court of magistrates in October next. In the meane time y^e security already taken at Stamford for his appearance at this court, to stand for his appearance then. Mr. Crane y^e magistrate at Brandford was desired to have a vigilant eye vpon Edward House that he withdraw not, but that hee then also attend the court to answere the complaints off Francis Browne against him.

Joseph Gernsey, plaint'. } The plaint'. entred an action of debt
Rich. Mills, defendant, } & damage against the defendt, to the
 vallew of 9^{li} or thereabouts, dew vpon two bills; y^e defendt
 owned y^e bills, but pleaded that part of the debt was paid; the
 plaint & defendt agreeing betwixt themselues, the court gave
 no sentence in the case.

Mr. Mills, plaintefe, } The plaint' entred an action of debt
Widdow Seely, defendt. } to the vallew of 4^{li} against the
 defendt, who being called, answered not, but Leiftenn^t Bell on
 her behalf pleaded that since Mr. Mills had y^e warrant he told
 him, & he told^t the defendt, that he would not prosecute; to
 w^{ch} Mr. Mills answered that what he said was onely condition-
 all, but he did tell her the last day of the weeke, that he would
 psecute. Leiftenn^t Bell now engaged that he would vnder-
 take that sometime this summer the debt should be paid
 according to agreem^t, w^{ch} was the p^rsent issue at this time.

Sigismund Richalls of Brandford, security for John Heard-
 man for a fine of 10^{li}, and for the good behaviour of the said
 John Heardman y^e some of 50^{li}, as by y^e records in May 1659
 doth appeare, at his desire & request was now released from
 his engagem^t for the 50^{li}, & vpon y^e receipt of a bill frō Ensigne
 Bryan for paym^t of the 10^{li}, w^{ch} y^e court accepted, the said
 Richalls was acquitted frō the said debt.

Mr. John Youngs, plaint. } The plaintefe entred
Richard Smith of Setaucut, defendant. } an action of debt
 against the defendant who stood bound in a bond of 10^{li} for
 his appearance at this court, as was testified by Mr. Wells, who
 being called answered not.

John Budd, junior, plaint. } The plaintefe entred an action
Richard Skidmore, defendt. } of complaint vpon suspicion of
 felony, against the defendt, for whose appearance certaine
 [289] goods belonging to the said Skidmore were || attached,
 the copy of w^{ch} attachm^t or warrant was p^resented & read,
 but found in a pticuler to be defective, being dated May 3,
 1660, & appearanc enioyned May next, but Mr. Wells testi-
 fied that Skidmore did vnderstand that he was to appeare &
 John Budd bound to prosecute y^e attachm^t at this court. Y^e
 defendt being called answered not, wherevpon the court did

order that y^e attachm^t on the goods is to remaine vntill he answere John Bud in y^e case, or vntill further order frō the court.

According to what was desired by the court, May the 23, 1659, the mare in question betwixt Mr. Peirson & John Cowp was p^resented to be veiued by y^e court, at w^{ch} time brother Moulthropp said that Mr. Peirsons colt was a bright dun, but Mr. Peirson affirmed that it was a darke dun. Brother Cowper said that he neuer bought a bay colt, but a black browne colt, & desired that it might be considered that Mr. Peirsons witnesses say y^t Westalls mare had a bay colt; wherevpon the court told him they have beene ready to heare him or any witnesses produced by him, & are still ready, if he please to p^resent them, but he did nothing that way, only he said that he could proue that this was y^e mare he bought, w^{ch} he gave a small slitt in y^e eare w^{ch} grew vp againe, the trueth of w^{ch} was not much questioned, yet he might buy a wrong mare. After this y^e court haveing veiued the mare & considered the testimonyes, after some respitt, y^e defendt declareing that he had no further to say at p^resent vnlesse he see cause of a reveiw, the court (Mr. Gilbert excepted, who also laid claime to the sd^d beast,) by way of sentence declared,

That they do not app^rhend any cleare evidence by either party p^resented, yet the case haveing beene long depending, w^{ch} y^e court have desired might have beene issued betwixt themselues, or by the help of some freinds with them in way of arbitration, but the defendt app^rhending himself not in a fitt capacity so to end it, the court saw themselues called to put an issue to it, & therefore, according to the evidence p^resented & compared with y^e mare now she hath beene veiued, they doe at present judg that the most probable right falls on y^e plainteifs side, and that he shall have y^e mare & what encrease she hath, in his possession, a way being still left open for a reveiw by the defendt if he see cause to prosecute that way, or for claimes by any other pson, w^{thin} ^

And for the charges w^{ch} have beene expended about this businesse, that they be borne equally betwixt them.

Anthony Waters, attorney for John Concklin, Tho Osman

& Tho Rider, inhabitants on the land called Hashamommock, plainteifs, entred an action of the case against John Budd senior, for breach of an ancient order made for y^e p^rservation of good neighbourhood, w^{ch} order or agreem^t is as followeth, [240] || We whose names are vnderwritten inhabiting on y^e necke of land comonly called Hashamommock, considering that our comfort & quiet settlem^t would consist & stand in y^e enjoym^t of good neighbourehood, did make this agreem^t at our first sitting downe, that what man soeuer should desire to remoue, & so endeavour to make sale of his accomodations, should put in such neighbour as the other inhabitants liveing with him shall approue off.

This is a true copy of y^e

record, copied by mee,

William Wells, Recorder.

William Solman.

Henry Whitney.

Edward Tredwell.

Tho Benedicke.

John Budd junior appeared to answer the sute. After sundry pleas made, both by plaint. & defent, the plaint findeing himself at p^rsent not sufficiently furnished to make prooffe of some pticulers materiall in the case, desired onely that the court would declare whether they approue the orriginall agreem^t, vnto w^{ch} y^e court returned that they see not but that y^e agreem^t is righteous in itself and bindeing to those that did first engage and to their successors, p^rvided that due meanes was afforded for y^e knowledg of it. But it being not sufficiently cleared that the defendant had sufficient knowledg of it, y^e plaint also pleading that he doubts not to make proof of it when they come home, they doe there refer this question to be issued by y^e court at Southold, (where the state of the question is best vnderstood,) if y^e plainteife shall see cause further to prosecute.

There being p^resented to the court by Mr. Wells, an award drawne vp by himself, & otherwise therevnto subscribed, touching a defamation raised by Henry Case & Theophilus Curwin, against seuerall p^rsons therein nominated, for our judgm^t in the same, being divers of their neighbours in Southold were vnsatisfied therewth, as also an acknowledgm^t subscribed by the said Case & Curwin; now we doe hereby declare, that the arbitrators having submitted what they conceived might be iust, for satisfaction in y^t case, in reference to corporall punishm^t, vnto allowance of authority,

we see no cause to alter the award, but y^t it be observed in that part as in all other, as the authority of Southold see fitt, & not otherwise.

The proceedings specified in a bond vnder the hand & seale of Richard & Josua Raymond, concerning y^e p^rsent disposall of some part of the goods depositted wth y^e court in refference to a difference betwixt M^r. Raymond & Captaine Penny, transmitted to the court of Admiralty in England for issue, w^{ch} was done by y^e gouerno^r, deputy gouerno^r & M^r. Gilbert, was approued by the rest of the magistrates.

Richard Law of Stamford, (in the behalf of some orphans,) entred an action of the case against Geo: Tucky, concerning a mare. M^r. Mills, in behalf of y^e defendt., p^rsented a [241] || writeing by him subscribed excuseing his non-appearance, & for the cleareing of the case. But it being intended y^t two of the magistrates should shortly keepe court at Stamford, the businesse was respitted vntill then, for heareing, if they agree not betwixt themselues in the meane time.

M^r. Wells certified y^t John Corey, John Swasey, M^r. John Booth, Joseph Youngs senior, Tho. Rider, Edward Petty, Tho. More, juni^r, (who were all bound ouer to this court, as appeares by y^e records of May 23th, 1659,) had taken the oath of fidelity.

John Concklin, plaint in an action of trespasse to y^e vallew of 10^{li}, against John Corey, defendt., declareth,

That the defendt. kept diuers swine in about the co^mmons of Hashamommuck lands, where he had no right so to doe, whereby his now wife in her widdowhood had sustained great losse in her cropp of wheat, & pease especially, & in two loads of pease by the defendts hoggs after they were housed, & although y^e p^rt wife gave the defendt notice diuers times of his hoggs continuall trespassing, & that although her sonne in law kept the feild oⁿ purpose to p^rserve the pease & other graine there growing, yet his hoggs would not be kept out, neither did the defendt vse meanes to p^ruent them, to the plaint knowledg, although he had no right to keep hoggs there as aforesd.

The defendt denyed not that there was damage done by

his hoggs in the plaint pease, but withall said that part of y^e damage was done by hoggs belonging to other men, as well as his.

The Court haveing heard the demand of the plaint', wth the answere of the defendt, wth seuerall testimonyes given in on either side, at last came to vnderstand that y^e matter had been arbitrated at Southold. The arbitracon was cald for, p^rsented & read, wherevpon it was demanded who broke that arbitration. Jo: Corey confessed it was his act, but withall gave his reasons, w^{ch} satisfied not, for w^{ch} he was reprov'd; after w^{ch} the court proceeded to sentence, & declared that the defendt shall pay to the plaint' for damage done in his pease, 20^s, & for his trouble, expence & charges, 20^s, as was ordered by y^e arbitrato^{rs}, frō whose judgm^t the court saw not cause to differ, vnto w^{ch} they now add 40^s for further charges, & 10^s for the fees of court. All w^{ch}, being 4^{li}, 10^s, is to be paid by y^e defendt to the plaint, & in case of non-paym^t the court of Southold to grant execution.

John Concklin, plaint', in an action of slaunder to the vallew of 50^{li}, against John Corey, defendt, declareth,

That the defendt on a training day, before a great part of the traine band, did endeavoure by his words to take away his repute & esteeme amongst his neighbours, & lay him below y^e heathen, & to that end spake words to this effect, or the same words following, viz^t., that John Concklin was a neigh- [242] boure not fitt for an Indian || to live by, & when the plaint' & defendt were both sicke, & the plaintefe was not able to craule out of his house, yet then he killed one of the defendts hoggs, & divers other words at other times of a slaunderous nature, w^{ch} will appeare more fully by the euidences that shall be given in.

The plaint' p^rsented sundry testimonyes to proue y^e substance of his declaration, w^{ch} being read, the defendants answere was called for, who said that his was a guilty pson & could not justify himself, he had done evill & he saw it, he confessed that he had done manifest wrong to the plaint' by speakeing to his reproach as he had done, w^{ch} he was sorry for. After w^{ch} the court declared by way of sentence, that the defendt shall pay the charges of the court, w^{ch} is 10^s, & that

it is desired of Mr. Youngs the reuered pasto^r to y^e church at Southold, wth Mr. Wells & Mr. Youngs the p^rsent deputyes, that they draw vp an acknowledgm^t suteing the case, w^{ch} is to be duely published by John Corey, to the clearing of John Concklin in this matter.

John Corey, (out his affection to W^m Solmans children (as he sd) for the kindnesse he had received from their father,) did now tender to part wth a peice of land w^{ch} was his by the gift of W^m Solman, for w^{ch} he will accept of corne, cattell and wampom (at a due vallue) for pay, & abate 20^s of the price as it shall be determined by goodman Reeues, goodman Purrier, goodman Terry & goodman Tucker, who were by ioynt consent now chosen to determine that question, if John Concklin accept, & W^m Solmans sonne may enioy it.

John Budd junior of Southold, plaint in a action of slaunder to the vallue of 20^{li}, against John Corey, declared that the defendant hath, as he conceives, charged him (in y^e open meeting house) with takeing a falce oath in a testimony he gave in against him concerning pease.

- The defendt referd himself to the euidence in y^e case.

The depositions of Ensigne Glover, Tho. Mapes and John Concklin were by the plaint^r p^rsented & read, as followeth,

These deponents being together about the begining of March last, at the meeting house in Southold, saw a copy of an arbitracon delivered to John Corey, touching certaine differences arbitrated & ended by indifferent arbitrators betweene him & John Concklin abouesaid, at w^{ch} y^e sd John Corey was much discontented & said he was wronged by falce witnesse; the deponent, Charles Glouer, laboured wth him to submitt to the arbitration, saying many men in England were hanged through falce witnesse, this was but a 20^s matter, it was better to suffer then be contending, or words to that purpose, but John Corey replied, so am I now hanged through falce witnes; and the said deponents, Charles Glouer & John Concklin, [248] further say, y^t John Concklin asked || John Corey how he was hang'd by falce witnesse, he replied he was hang'd by falce witnesse about the pease specified in the arbitration, or words purporting the same in substance.

Deposed the 17 of May, (60.)
by Charles Glouer & John Concklin,
before mee, W^m Wells.

Charles Glouer,
Thomas Mapes,
John Concklin.

John Concklin said that he neuer named John Budd in this businesse that he knowes of, wherevpon the plaint' was asked how he proues that John Corey slaundered him, being (as hee sayes) he named him not, to w^{ch} he answered that there was no other that gave testimony concerning the pease, therefore by cleare consequence he must meane him who was the onely witnesse in the case. For the clearing of y^e case, Mr. Wells testified that there was non that gave testimony before the arbitrators betweene John Concklin & John Corey but John Budd, and that John Corey had owned that he did intend him & had also tendered him satisfaction. Charles Glouer also testified, w^{ch} was in writeing p^rsented,

That he being in presence occasionally at Goodman Hortons house & there being John Corey & John Budd at difference about some words y^t had passed frō John Corey against John Budd, in w^{ch} there was a app^rhension of slaⁿder, and then & at that time John Corey did tender such satisfaction vnto John Budd that, if the case had beene his owne, he could not chuse but have taken it. And this vnder my hand I give, & me,
Charles Glouer.

John Corey now confessed that he spake those words & hath thereby done John Budd wrong, w^{ch} he was sorry for; he further added that he did tender John Budd to give him such satisfaction as indifferent men (whō John Budd should chuse) should judg meet. After w^{ch} the court declared that it appeares, both by euidence & the confession of John Corey, that he hath spoken slaunderously of John Budd, for w^{ch} it seemes satisfaction hath beene tendered by John Corey, but not psecuted as it ought to be to the satisfaction of John Budd, who should also have beene more ready to receive satisfaction then it appears he hath been; all w^{ch} being considered, by way of sentence it was ordered that John Corey pay the charges of y^e court & give due satisfaction to John Budd by way of acknowledgm^t at Southold.

At the desire of Ensigne Bryan the businesse concerning the estate Mr. Allertō deceased, came to be againe considered, wherevpon Deacon Miles & Gervase Boykin, who were authorised to collect & conserve the s^d estate, gave in their account of what they had done in this businesse, viz, that they had sould

the time of service dew frō John Little, servant to Mr. Allerton deceased, for 3^{li}, which is in the hands of Jeremiah Osburne, w^{ch} being added to 129^{li}, 5^s, 2^d, makes the estate 132^{li}, 5^s, 2^d. It was also informed that there is in Mr. Ogdens hand a mare [244] & 2 colts belonging to this estate, || onely an account wth Mr. Ogden is to be considered, w^{ch} is not yet come to hand; also a debt dew frō Captaine Morris of Road Island, also that there came frō Barbadoes, (since Mr. Clarke came thence,) to Mr. Lake, 4 hogsheads of sugar, part of which belongs to this estate. The aforesd agents were desired to vse their endeavours to get in the estate, that so iust debts may be satisfied.

Vpon proof now made, a debt of 5^{li}, 16^s, 1^d, ob, to Sargeant Jefferies, & a debt of 5^{li}, to Captaine Robt. Martine, were also allowed, who are to have in pportion wth other creditors whose claimes were allowed in October last.

Besides w^{ch}, Ensigne Bryan now demanded for his sonne Rich. Bryan, 3^{li}, W^m East, 2^{li}, 9^s, 6^d, Mr. Lord, (besides the debt of 13^{li} allowed,) 40^s, Mr. Raymond, attorney for Mr. Batter of Salem, vpon bill but not attested, 6^{li}, 5^s, Joseph Alsopp, for Mr. Sheafe of Boston, w^{ch} he said stood faire in her booke, 8^{li}; w^{ch} demands if legally proued to satisfaction of the court at Newhaven, or the court of magistrates in October next, shall be considered. In the meane time their proportions, according to the somes demanded, shall in y^e division of the estate of 132^{li}, 5^s, 2^d, be set out & left in trust with Deacon Miles & Gervase Boykin aforesd, vntill it bee adjudged (by this court) to them, they prouing their debts, if otherwise, then to be divided in proportion to the creditors already legally proued so; but after this time, no other creditors to be admitted in reference to the estate aforesd of 132^{li}, 5^s, 2^d.

John Cowper also renewed his claime (vpon the estate) for a debt dew (as he sd) vpon bill to John Westall of Seabrooke. Mr. Allerton testified that there is more paid then is made received vpon y^e bill, & that there are other accounts wth Jō. Westall to be cleared, wherevpon John Cowp tendered that he would answer their demands vpon any other accounts to y^e vallew of the debt demanded by him, but desired that first

his bill might be satisfied. The court told him that it would be accounted irrationall that Westall should assigne bills & not be bound to answere accounts, especially where y^e man is dead & the estate non soluant, but lett Westall come & cleare accounts, & then his bill shall be considered.

Mr. John Davenport, pastoure to the church of Christ at Newhaven, delivered into the hands of the court (to be kept for the vse of the magistrates and elders of this colony, as is specified in his writeing to them,) certaine writeings concerning a trust comitted to himself, wth some others, for the disposall of an estate given (by the wor^{ll} Edward Hopkins, Esqr. deceased,) for the furtherance of learning in these parts, wth resignation of his power & interest therein (so farr as he might with p^rserveing in himself the power comitted to him for the discharge of his trust,) w^{ch} is more fully & p^ticulerly expressed in the records of the gen: court,) w^{ch} was thankfully accepted. [245] || The last will & testament of John Parmerly, late of New Haven deceased, was p^resented, made the 8th of Nouember 1659, proued by the oath of Deacon Lindon & Deacon Peck, at a court held at Newhaven January 3^d, 1659.

An inventory of the estate of y^e said John Parmerly was p^resented, amounting to 78^{li}, 13^s, 0^d, made the 2^d of January, 1659, by Deacon Pecke & Roger Allen, & by them attested vpon oath that the apprizem^t was iust, according to their best light, & by the widdow of the deceased, that it was a full inventory of y^e estate of her deceased husband, to the vallew of 10^s, to the best of her knowledg, at a court at Newhaven, Jann: 3, (59.)

The last will & testament of Willm Davis, late of Newhaven deceased, was p^resented, made the 18th of the 6th moneth, 1659, by the oath of Mr. Wakeman & Elinor Glouer proued, the 6th of December, 1659, at a court at Newhaven.

An inventory of the estate of the said W^m Davis was also p^resented, taken the 21th of October, 1659, amounting to 808^{li}, 0^s, 0^d, attested by the widdow of the deceased to be y^e full estate left by her husband to the vallew of 40^s, vnder or ouer, & by Mr. Wakeman & James Bishopp, that the apprisem^t was

iust, according to their best light, at a court held at Newhaven the 6th of December, 1659.

The last will & testam^t of Tho: Mitchell, late of Newhaven, deceased, was p^rsented, made the first of October, 1659, proued by the oath of W^m Gibbard, W^m Russell, Henry Glouer, the 6th of March, 16 $\frac{5}{8}$, at a court at Newhaven.

An inventory of the estate of the said Tho: Mitchell was also p^rsented, taken the 2^d of March, 16 $\frac{5}{8}$, by W^m Russell & Henry Glouer, amounting to 128^{li}, 10^s, 11^d, besides a debt frō Mr. Goodyers estate 2^{li}, 5^s, 0^d, & in the iron works 6^{li}, 3^s, 0^d, & 300 of pales in y^e woods. The aforesaid apprizers attested vpon oath at a court at Newhaven y^e 6th of March, $\frac{5}{8}$, that the apprisem^t was iust, according to their best light.

An inventory of the estate of John Walker, late of Newhaven deceased, was p^rsented, taken in the moneth of December, 1659, by Tho. Kimberly & Henry Glouer, amounting to 19^{li}, 12^s, 5^d, attested by Mr. Wakeman vpon oath to be a full inventory to the best of his knowledg, & by y^e apprizers, that y^e apprizm^t was iust, according to their best light, at a court at Newhaven, the 6th of Decembr, 1659.

The last will & testam^t of Hannah Beacher, late of Newhaven, deceased, was p^rsented, made the 13th of June, 1657, proued at a court at Newhaven y^e 5th of Aprill, 1659, by y^e oath of Mathew Gilbert & John Wakeman.

[246] || An inventory of the estate of the s^d Hannah Beacher was also p^rsented, taken the 2^d of March, 16 $\frac{5}{8}$, by Mr. John Wakeman & Thomas Kimberly, attested vpon oath, that the apprisem^t was iust, to the best of their light, at a court at Newhaven, Aprill 5th, 1659, w^{ch} inventory amounted to 55^{li}, 05^s, 06^d.

An inventory of the estate of John Vinson, late of Newhaven, deceased, was p^rsented, taken by Henry Lindon & Samuell Whitehead y^e 10th of 9th moneth, 1659, amounting to 90^{li}, 12^s, 04^d, & by y^e apprisers witnessed vpon oath y^t the apprizm^t was iust, according to their best light, at a court at Newhaven, January 3^d, 1659.

An inventory of the estate of Daniel Bradely, late of Newhaven, was p^rsented, taken January 4th, 1658, by Willm

Bradely & John Allen, amounting to 44^{li}, 10^s, 9^d, besides w^{ch} their is a debt frō Rich: Fellowes not yet cleared, & a sithe not yet found, also some weareing cloaths w^{ch} were carryed away by the horse when he was drowned, not yet come to hand; the aforesd apprisers witnessed vpon oath that it was a true & full inventorye of the estate of the deceased, both for pcells & vallew, to y^e best of their light, at a court at Newhaven, Jan: 4, (58.)

A writeing was p^rsented as the last will & testam^t of Tho. Cowper, late of Southold, deceased, dated ^, and now in court by Mr. Wells testified vpon oath that the writeing p^rsented was by the deceased in his p^rsence declared to be his minde concerning the disposall of his estate, w^{ch} will was returned to Mr. Wells for further prooffe.

An inventory of the estate of the said Thomas Cowper was p^rsented, amounting to 368^{li}, 7^s, taken the 20th of January, 1658, by Mr. W^m Wells, Barnabas Horton, Barnabas Windes.

A writeing was p^rsented for the last will & testam^t of Mathias Curwin, but returned for legall pbat.

An inventory of the estate of the said Mathias Curwin was p^rsented, taken the 15th 7th (58,) by William Purrier, Charles Glouer, amounting to 313^{li}, 00^s, 08^d, that the apprizm^t was iust, was witnessed vpō oath by y^e abouesd apprisers before Barnabas Horton.

An inventory of the estate of Joseph Youngs, marriner, deceased, was p^rsented, taken y^e 15th of Septemb, 1658, by W^m Wells, & Tho. Moore, amounting to 477^{li}, 09^s, & deposed before vs, W^m Wells, Barnabas Horton.

[247] || An inventory of the estate of Mr. John Herbert, late of Southold, deceased, was p^rsented, amounting to 241^{li}, 19^s, 00^d, taken by William Wells & Tho. More, Septemb. 7, 1658. Deposed before vs, W^m Wells, Barnabas Horton, by M^{rs}. Mary Herbert, to whō administration was now granted.

An inventory of the estate of Elizabeth Paine, widdow, late of Southold, deceased, was p^rsented, amounting to 27^{li}, 15^s, 10^d, taken by Barnabas Horton, W^m Purrier, Charles Glouer, y^e 15th of September, 1658.

An inventory of the estate of Peter Paine, late of Southold,

deceased, was presented, amounting to 74^{li}, 10^s, 6^d, take the 15th of September, 1658, by Barnabas Horton, Charles Glouer & W^m Purrier, who were sworne the day & yeeare aboue written.

Mr. Wells informed that there was a will left by the husband of Elizabeth Paine, (now also deceased,) w^{ch} will was proued at Salem, by w^{ch} he gave some estate to his children, w^{ch} shee was to have the vse of for her life; she being dead they haveing a conceite that this jurisdicōn had nothing to doe to order the disposall of the estate, therevpon, wthout approbation of authority, divided the estate according to the will, but had no respect to the debts dew from y^e estate, w^{ch} yet remaine vnsatisfied. Wherevpon the court declared that the said Elizabeth Paine dyeing & the estate being at Southold, it falls vnder the cognizance of the authority here, & that y^e division made was disordly, & did therefore order that the estate be againe returned, & be responsible for paym^t of all iust debts, & then what estate remaines to be divided according to the will of the deceased, the care of w^{ch} businesse was left to those in authority at Southold.

The Court allowed the marshall about 26 shillings out of the goods depositted in reference to the difference betwixt Mr. Raymond & Captaine Penny, for his charge & paines in & about that businesse.

[248] AT A COURT OF ELLECTIONS HELD AT NEWHAVEN Y^e 30th MAY, 1660, FOR THE JURISDICTION.

Mr. Francis Newman was chosen Gouvern^r. Mr. Will Leete chosen Deputy Gouvern^r. Mr. Mathew Gilbert chosen Magistrate at Newhaven. Mr. Robert Treat chosen Magistrate at Milford. Mr. Jasper Crane chosen Magistrate at Brandford. Y^e Gouvern^r & Deputy Gouvern^r, Comissioners, Mr. Crane the third in y^e election, if God by his providence should disable either of the other. Mr. Wakeman chosen Treasurer, & William Gibbard to supply his place, if God by his providence should disable Mr. Wakeman, (who was now

sicke,) for y^e discharge of that trust. William Gibbard chosen Secretary. Tho: Kimberly, Marshall. All for the yeare ensuing.

AT A GENERALL COURT HELD AT NEWHAVEN FOR Y^e JURIS-
DICTION, THE 30th OF MAY, 1660.

The Deputies p^rsented their cirtificates, w^{ch} were approued, all for the yeare ensuing except Milford & Southold, which were only for this p^rsent court.*

As an alteration of the printed law concerning publique charges, it is ordered, that both for this yeare & henceforward vntill further order, that all sheep of a yeare old or aboue shalbe rated but at 15^s.

It is ordered that no act or agreem^t made or done by psons vnder age, bindeing themselues for yeares, shall be accounted valid, vnlesse there be y^e expresse consent of their naturall parents or of some magistrate, or other authority in plantations where there is no magistrate, and y^t no servant shall be assigned frō man to man but before the authority of the place & by their allowance.

There being a small estate left by Daniell Bradely deceased, the court was desired to declare how that estate should be disposed off, wherevpon it was ordered, that the estate of Daniel Bradely (his iust debts being paid) shalbe divided amongsts his relations, viz, his mother, brethren & sisters in equall pportions, except Willm Bradely, who being a brother by the father only, is to have but a half share with y^e rest.

Mr. Wells informed that John Budd senior, of Southold, had before & in the p^rsence of their freemen, signified his desire to lay downe his place of leiftenn^t, (w^{ch} he himself now in a letter to the gouernor also declared & desired,) vnto w^{ch} y^e said freemen gave their consent, & that the soldiers had for some time beene exercised by Ensigne Charles Glouer, wherevpon the court desired that y^e said ensign (as propp to his

* The Deputies for the town of New Haven, chosen May 21, 1660, were Mr. John Wakeman and Leicut. John Nash, Ensign Henry Lindon the next in choice.

place,) doe attend (as cheife in comānd,) the charge & care [249] || of the millitary businesse, vntill y^e freemen, according to their liberty, shall make choyce of himself or some other to some higher office, as they shall judge meet.

It is hereby reco^mended to the freemen of the seuerall plantations of this colony, as they are furnished wth able men for such seruice, that they would make vse of their liberty for to make choyce of such to the place of a captaine, whom they judge meet to vndertake that trust, & p^rsent them to y^e generall court in May next for approbation & confirmation.

A writeing from Stamford subscribed by 25 of y^e inhabitants, dated May the 28th, 1660, was p^rsent^d & read, wherein they complained of much wrong they had sustained by Indians killing their hoggs, w^{ch} the court tooke into consideration, but the Indians not being p^rsent, nor any to testify to the p^ticular injuries sustained, it was left to further consideration.

Vpon information frō Stamford & otherwise of much damage done by Indians by killing of swine & other cattell, it was ordered that in euery plantation due meanes shall be vsed for the informing of the Indians concerning the printed law against theft, according to the true meaning & extent of it, & y^t it be declared to them that they must expect to be proceeded against according to that law if they shall be found breakers of it.

The order made in May (59,) referring to the court of magistrates in October following concerning the sizes of shooes, w^{ch} could not then be attended because the said instrum^t there mentioned was not p^rsent, is now againe referred to y^e court of magistrates in October next, in all respects as then it was, before w^{ch} time Francis Bell engaged to send the said instrument to Newhaven.

Mr. Walker & Sargeant Baldwin coming to the court, y^e busines of Paugasett came into consideration & debate, & Sargeant Baldwin informed that an Indian, called [^], the pprietor of the meadow called hoggs meadow, had bestowed the said meadow vpon him, & the said Richard Baldwin desired that it might be an appendix to Paugasett, where some further p^rparations had beene made this winter by fenceing,

for the carrying it to a village, w^{ch} they intended to pursue. Against what was propounded concerning hoggs meadow those of Milford objected that it would straiten their plantation if that should be granted, to w^{ch} Sargeant Baldwin answered that he conceived it must fall one of these three wayes, the meadow being his, 1, that either it be an appendix to Paugasett, or 2^d, that as he is a planter at Milford he may enioy it, or thirdly, if Milford have it he may have a vallewable consideration for it. Concerning w^{ch} meadow the court did nothing [250] at this time, but the || order made in (58,) was read & they were told that this matter of Paugasett had been 4 or 5 yeares vnder consideration, & that the court had been often exercised wth it, and it was now expected that they should have heard that Paugasett had been in a settled way to y^e ends ppounded, before this time; but when the returne is given they onely say, they have done something about fenceing, & so it is delayed from court to court & held in a dallying way for 4 or 5 yeares together. Sargeant Baldwin pleaded that he was hindered by obstructions he had mett with by y^e ordinary at Milford & by sicknesse the last summer, wherevpon y^e court declared, that they would make triall for one yeare more, but if Paugasett become not a village by y^t time to the ends ppounded, what was ordered the last yeare they expect to be attended, and that if the worke goe not on in the meane time to the satisfaction of the court of magistrates in October next, Edward Wooster, with any other that is there, shall bee remoued & not suffered to liue in such an vnsatisfying way as now they doe.

It is ordered that whosoever shall, directly or indirectly, sell or give any dogg or bitch, whether elder or younger, to any Indian, he shall pay to the plantation where such fault is comitted as a fine, 40^s.

It is ordered that whosoever without license from some magistrate, or other authority where there is no magistrate, shall sell any wine or cidar by lesse quantity then a quarter cask, & of liquours lesse then 10 gallons, he shall pay such fine, or suffer such punishm^t as is exprest in y^e law concerning cidar, anno (59.) But where the seller cannot be come

at, the fine shall be required of the buyer, w^{ch} fine shalbe to the plantation where such offence is comitted.

By way of addition to the law concerning Quakers, anno (58,) it is ordered & declared that it is left to the liberty of the authority in each plantation, either to inflict such punishm^t for the first & second offence as y^e law pvides, or to punish them by a fine of 5^{li} for the first offence & by a fine of 10^{li} for the second offence.

It was propounded that there might be a generall training at Newhaven this yeare, of all the soldiers, both horse & foote, belonging to the seuerall plantations; but it being found that the fittest season was past, y^e spring being so farr spent, it was at this time ordered, that all y^e horses w^{ch} either now are or before that time shall be listed in y^e plantations, wth so many of the foot companyes as the officers shall now agree vpon, (Stamford & Southold, by reason of their distance, being left at their liberty,) shall meet at Newhaven the last third day of the weeke in September next, to carry on a training for 2 [251] dayes, for whose encouragm^t || it is ordered, that at the charge of the jurisdiction a barrell of powder shall be provided for them & then distributed to them.

The customs & excise of the whole jurisdiction are let out to Ensigne Bryan at 30^{li} for the yeare ensuing, but y^e forfeitures that may be made by non entry, &c, remaine to the jurisdiction & informer.

Vpon weighty grounds p^rsented, y^e court desired y^e gouernor & deputy gouernor to goe to Stamford, there to keep court; Rich. Lawes & Francis Bell were chosen to assist in y^e said court; w^{ch} court hath power comitted to them equall to any plantati^on court assisted by two magistrates. It was further ordered, while there is need, that two magistrates shall be yearely sent to Stamford to keepe court, at the charge of the jurisdiction, y^e charge of entertainem^t at Stamford excepted, w^{ch} is to be borne by themselues. And the like priuiledg, vpon y^e same tearmes, is granted to any other plantation who shall desire y^e help of two magistrates to be sent to them, pvided y^e court judge that they stand in neede of such help to be afforded to them.

At the motion of Mr. Bishopp, pastour to the church at Stamford, y^e court also desired Mr. Davenport & Mr. Peirson to goe to Stamford, to afford their counsell & help for y^e well settling of their church affaires; but if Mr. Davenport, by reason of his weakenes & y^e hotnesse of the season, do finde himself vnfitt for the journey, it is desired that he would nominate another in his stead. And the magistrates to have one man, & the elders another, to attend vpon them, at y^e jurisdiction charge, except expences at Stamford.

It is ordered that 50^{li} shall be paid to the gouernor, and 20^{li} to the deputy gouernor, for the yeare ensuing.

It is ordered, that the treasurer shall buy 2 barrells of powder to make vp the jurisdiction stocke, & another barrell to be distributed to the soldiers at their meeting at New Haven in the latter end of September next.

This Court, while now sitting, have received frō Nath: Siluester of Shelter Island, a slanderous & blasphemous letter vnder the couert of another, written with his owne hand, together with some information of sundry calumnious and opprobrious speeches vttered at Southold, against y^e courts & magistrates of New England, as well as orselues in pticuler; as also that himself (professing to be a Quaker,) hath beene a frequent harbourer to give entertainem^t to y^t cursed sect, who frō his island have frequently taken oppertunity to come amongst o^r people, soweing the seeds of their pnitious doctrines, & sometimes by grosse affronts, publicly to make disturbance at Southold; all w^{ch} practises are highly offensive, dishonorable to God & contrary to law, & not to be suffered by [252] vs. || Wee therefore order & appoynt, y^t forthwith 100^{li} of y^e said Nathaniels estate within this jurisdiction be attached & seised, & not to be released vntill this court of magistrates have received satisfaction from him for these & such like offences, if proued against him, notice being given to him to appeare at the court of magistrates held at Newhaven the 17th of October next, then & there to answeare these complaints & what else shalbe charged against him.

At the desire of the freemen, Mr. William Wells and Captaine John Youngs were chose deputies for the towne of

Southold for the yeare ensuing, who are authorised to hold a court once a quarter, if neede require. Barnabas Horton, Barnabas Windes and Charles Glouer, were chosen to be their assistants in that worke, who have equall power & vote with them dureing the time of sitting in the court, (and no longer,) to heare, judg & determine wth them of all matters within their limitts & power formerly granted to the court there. And in case that any of these three shall be absent, they have liberty to call in any of the freemen, by ioynt consent, to supply the place of the absent party or parties. Mr. Wells & Mr. Youngs now tooke the deputies oath, who are to administer the said oath to the other three aboue named.

Vpon a motion of some of the deputies, concerning enlarging the troop of horse, it is ordered, that any pson or psons in any of the plantations within this colony y^t will finde horses & furnitture for them fitt for service, when such horses with their furniture are in readinesse, and such psons as so list themselues shall be allowed by y^e authority in that plantation so to doe, they shall be freed frō paym^t of rates arising vpon civell accounts, in refference to their psons & horses, wth grant of such other priviledges as is allowed by this court to the troupers already settled, provided, that such as so list themselues shall alwayes be in readinesse for service when called forth, & shall keepe such horses & not dispose of them, nor yet vnlist themselues or horses without liberty frō the plantation. Also that both those already ordered, & those that shall be added, shall traine euery training day, at least for this next yeare, & that what number of horses are added in each plantation & how furnished, shall in writeing yearely be certified to the generall court.

Whereas this Court is advertised of some dwellers in townes within this jurisdiction, who are owners or managers of some cattell or other estate w^{ch} is transcient & fleeting, sometimes within & sometimes without the bounds of the colony, and so possibly, if no law were prouided accordingly, [253] might escape || paym^t of rates or publique charges any where, it is therefore ordered, that whosoever, being an inhabitant in any towne in this jurisdiction & standeth pos-

seised or is owner of cattell, or other moueable estate, w^{ch} is transcient, & passing betwixt this jurisdiction & any other, w^{ch} may be there abideing for some space, yet shall returne home againe to y^e owner here and so abide for a considerable time, he shall pay all rates for such transcient estate, as well as for what is here more constantly abideing, whether it be estate at sea or on shore.

Forasmuch as y^t, by some former lawes, this court hath taken care in some more generall way to p^ruent inconvenience & charge, likely to grow or come to this colony or any of the plantations therein, by the idle or euill liveing or miscarryings of p^{ersons} here resident, w^{ch} orders, for want of some further extension or explication of some pticulers from whence such inconvenience or charges, &c., may grow, & of some other p^{ersons} who may also walke offensively in like practises, did see cause to declare that all p^{ersons}, whether householder, sojourner, child, or servant, shall be found & convict before any of the magistrates, or other settled authority of the towne where it is done, to meet or company together in any kinde of vaine manner or vnseasonable time, whether by day or by night, to mispend & wast the p^{recious} talent of these gospell seasons of grace w^{ch} we yet enioy, to the hurt & hinderance of religeous education in all godlynes & honesty, (vnto w^{ch} formerly the youth of New England have vsed to improue time by meetings more frequently after a godly sort, to the encouragem^t of the hearts and strengthening of the hands of magistrates, ministers & parents, in the workes of Christs gouernment vnder their seuerall hands respectively, then of later yeares can be observed,) now y^t it may more clearely be vnderstood what we judge to be such miscarriages or misdemeano^{rs} amongst such p^{ersons}, as doe thus tend to discourage Gods worke vnder o^r hands and may proue hurtfull & hindorsom to the profitting of o^r posterity riseing,) Wee doe expresse, that not onely such night meetings vnseasonably, but corrupt songs, & foolish jesting, or such like discourses, wanton & lascivious carryages, mixt dancings, imoderate playing at any sort of sports & games, or meere idle liveing out of an honest calling industriously, or extravagant expences, by drinking, apparrell &c.,

have all & euery of them such a tendency ; All w^{ch} we desire & appoint should be duely witnessed against by the authority in each plantation, according to their discretion, all circumstances being duely weighed, according as they shall appeare to aggravate or lessen y^e offence or offences ; And the [254] || families or family gouerno^rs ouer such p^{sons}, are required to observe & give information of all p^{sons} vnder their respective charges herein, vnlesse they intend to be accounted accessary to the offences of such as are vnder their power, & to be dealt withall accordingly.

Henry Tomlinson of Stratford, haveing beene called before the court of magistrates in October last, to answere for an vniust molestation of our gouerno^r by an arrest at Connecticote in September 1659, was then bound ouer to this court, who being called, appeared. Y^e record of court concerning him in October being read, & therein the case depending being rep^rsented, y^e deputy gou[']no^r declared, that he heard what had past formerly, now what convictions he hath since had of his evill in this matter, if he had ought to say, the court would heare ; but if he would defend the case, they were ready to heare that also. Vnto w^{ch} Henry Tomlinson answered, that he came not to justify himself, but saw cause to condemne himself for acting as he had done, & confessed that he wanted words to expresse himself as the case requires. The court and sundry others that were p^rsent, haveing expressed to Hen: Tomlinson the deep sence they had of his evill in the carriage of this matter, as distructive to gouern^t and good order & the peace of the colonyes, Hen : Tomlinson being ill in body, they left it with him to consider off & respitted the matter vntill the morrow for y^e issue of it.

On the morrow the deputy gouerno^r declared to him y^t before the court spake to him, they would yet heare what he had to say, but they would not have it vnderstood y^t they begged an acknowledgm^t of him, for they knew how to doe iustice in the case, but desired him to deale cinserely & vprightly in what he spake ; wherevpon he exprest himself as in a writeing subscribed by him doth appeare, w^{ch} is as followeth,

Henry Tomlinson declared that when y^e businesse concerning the forfeitures of wines & liquours was issued by the court here, he was well satisfied, & so was his wife for ought he knew, & then resolved to rest in what was done; yet afterwards his wife relateing the case to a man, (not of Connecticote colony,) he told her that there might be releife, & advised to bring it about in Connecticote court, yet his minde was still to let it fall, but his wife was earnest with him to have the matter called ouer againe, w^{ch} he being not willing to, endeavoured to hide the time of the meeting of the comissioners frō her, but she was told by a man w^{ch} came to their house that comissioners had been sitting a weeke; vpon y^t shee earnestly prest him to prosecute the businesse, whose im-[255] portunity was such y^t he could not be quiett, either || at bed or board, but his house was euen a prison to him; vpon w^{ch} he went to Connecticote & got a warrant frō the secretary & acquainted Mr. Allen & Mr. Talcote with it, who were displeased with him, neuerthelesse he proceeded in this action, y^e euill whereof he hath beene shewed by Mr. Davenport & others, for w^{ch} he sees cause to judg himself as acting in a way destructive to the peace of the colonyes ioyned in combination; he said that he was convinced that it was a great sin to rise vp against y^e gouerno^r in such a manner, w^{ch} is a breach of the 5th commandm^t; and whereas the rule enioynes him to live peacably wth all men, as much as in him lyeth, he confessed that he had not attended this rule, & professed his sorrow for yeelding to the importunity of his wife; he further said, he saw the act itself was a great pvocation of God, & iustly offensive to y^e people of God, a very injurious molestation to & slaunder of y^e gou'no^r, & grosse affront, a high disturbance to peace & soweing seeds of such contension amongst the colonies as might grow to a quarrell in time, w^{ch} he sees to be a breach of y^e 6th & 9th comandm^{ts}, & greatly aggravated, for that he hath alwayes formerly & still doth see cause to justify the courts proceedings in that businesse as legall, & onely that they were by some testimonies misinform-ed; he desired that God would help him further to see his sinne, & y^t it may be a warning both to himself & others for attempting the like, w^{ch} if any should doe, he should judge it his sinne, & as the fruit of his evill example.

This writinge being read in the Henry Tomlinson.

p^resence of Henry Tomlinson, was

by him subscribed, this 2^d of June, (60,)

in y^e p^resence of John Hodshō, Jō Harriman.

The Court told Hen: Tomlinson that they looke vpon his

fact as tending to ouerthrow or gouernment, throwing vp of foundations, as warring against the Kinge of peace, y^t hath so long continued peace amongst the colonyes ; hee was wisht to consider that its one of those things that God hates, to sowe discord among brethren, but to sowe discord among brother colonies, (as we may say,) is a high provocation of God, as being a soweing discord amongst thousands of brethren, and that he should be the first, as a ringleader in such a way as tendeth to y^e violation of our peace, (as much as in him lyeth,) it concern'd him sadly to lay it to heart. After w^{ch} y^e deputy gouernour, in the name of the court, by way of sentence declared, that they had considered the case as it hath beene rep^rsented, they had alsoe considered the acknowledgm^t he had made & y^e penitenciall frame he seemes to be in, & although they might thinke of a higher censure then they shall now declare, yet they desired to shew themselues mercifull, meeting repenting men, and therefore do declare, that [256] what acknowledgm^t he hath || made, shall be drawne vp in writeing & subscribed by him, and that they lay vpon him a fine of 100^{li}, for which he is to give his bond, w^{ch} 100^{li}, the court will call for wⁿ they see cause, and that he pay the charges to the marshall & remaine vnder his care vntill this be done.

It is ordered that the deputies for Newhaven & Captaine John Youngs, (if he by the prouidence of God shalbe here p^rsent,) shall recomend this case foregoing to the consideration of the honoured Comissioners for the Vnited Colonyes, at their next meeting in Sept: next.

Richard Lawes & Francis Bell were chosen & sworne constables for Stamford for the yeare ensuing, who have the same power comitted to them as y^e constable there formerly had.

A writeing was p^rsented by the Reuerend Mr. John Davenport as followeth,

QUOD FÆLIX FAUSTUMQ; SIT,!

On the 4th day of the 4th Moneth 1660, Jonⁿ Davenport, pastor to the church of Christ at Newhaven, p^rsented to the Hon^d: General Court at Newhaven as followeth,

Memor^{dum},

1 That sundry yeares past, it was concluded by the said generall court that a small colledg, (such as the day of small things will pmitt,) should be settled in Newhaven, for the education of youth in good litterature, to fitt them for publick services in church & comonwealth, as it will appeare in the publicke records.*

2 Herevpon the said John Davenport wrote vnto our Hon^d: freind Edward Hopkins Esq; then liveing in London, the result of those consultations; in answeare wherevnto the said Edward Hopkins wrote vnto y^e said John Davenport a letter, dated the 30th of the 2d moneth, called Aprill, 1656, beginning with these words, Most deare Sr, the long continued "respects I have received from you, but especially the speake-ings of the Lord to my heart by you, have put mee vnder "deepe obligations to love, & a returne of thankes beyond what "I euer have or can expresse &c, then after other passages, "(w^{ch} being secretts hinder mee from shewing his letter,) he "added a declaration of his purpose in reference to y^e col- "ledg about w^{ch} I wrote vnto him, That w^{ch} the Lord hath "given mee in those parts, I ever designed the greatest part of "it for the furtherance of the worke of Christ in those ends "of the earth; and if I vnderstand that a colledge is begun & "like to be carried on at Newhaven for the good of posterity, [257] "I shall give some encouragm^t therevnto. || These are the very words of his letter, but,

3 Before Mr. Hopkins could returne an answeare to my next lett^r, it pleased God to finish his dayes in this world, therefore by his last will & testament, (as the copie thereof, transcribed & attested by Mr. Tho Yale, doth shew,) he comitted the whole trust of disposing his estate in these countryes, (after some psonall legacies were paid out,) vnto the pub-

* The project of establishing a College in the colony was entertained very early; thus we find that the town of New Haven, at a meeting March 23, 1647-8, directed a committee, appointed to dispose of vacant lots, "to consider and reserve what lot they shall see meet and most commodious for a college, which they desire may be set up so soon as their ability will reach thereunto." N. H. Col. Rec. i. 376.

The subject was brought before the General Court for the Jurisdiction at least as early as 1652, as we learn from the records of Guilford, under date of June 28 of that year, when that town voted, that the matter about a college at New Haven is thought to be too great a charge for us of this jurisdiction to undergo alone, especially, considering the unsettled state of New Haven town, being publicly declared from the deliberate judgment of the most understanding men to be a place of no comfortable subsistence for the present inhabitants there; but if Connecticut do join, the planters are generally willing to bear their just proportions for erecting and maintaining a college there. However they desire thanks to Mr. Goodyear for his proffer to the setting forward of such a work. See also p. 141, *ante*.

lick vses mentioned, & bequeathed it to or late Hon^d: Gouernor, Theoph: Esq; , his father in law, & to the aforesaid John Davenport, & ioyned with them in the same trust Captaine John Cullick & Mr. William Goodwin.

4 It haueing pleased the Most High to afflict this colony greatly by takeing from it to himself or former euer hono^rd gou'no^r Mr. Eaton, the surviving trustees & legatees met together to consider what course they should take for y^e discharge of their trust, and agreed that each of them should have an inventory of the aforesaid testatours estate in New England, in houses, & goods, & lands, (w^{ch} were prized by some in Hartford intrusted by Captaine Cullick & Mr. Goodwin,) & in debts, for the gathering in whereof some attorneys were constituted, impowered & imployed, by the three surviving trustees, as the writeing in the magistrates hands will shew.

5 Afterward at another meeting of the said trustees, they considering that by the will of the dead, they are ioyned together in one comon trust, agreed to act wth mutuall consent in pformance thereof, and considering y^t by the will of the testatour, two of Newhaven were ioyned with two of Hartford, & y^t Mr. Hopkins had declared his purpose to further the colledg intended at Newhaven, they agreed that one half of that estate w^{ch} should be gathered in, should be paid vnto Mr. Davenport for Newhaven, the other half to Captaine Cullick and Mr. Goodwin, to be improued for y^e vses & ends forenoted, where they should have power to pforme their trust, w^{ch} because they could not expect to have at Hartford, they concluded it would be best done by them in that new plantation vnto w^{ch} sundry of Hartford were to remoue & were now gone, yet they agreed that out of the whole, an 100^{li} should be given to the colledg at Cambridg in the Bay, the estate being 1000^{li}, as Captaine Cullick beleueed it would bee, w^{ch} we now see caused to doubt, by reason of the sequestrations laid vpon that estate & still continued by the generall court at Hartford, wherevpon some refuse to pay their debts, & others forsake the purchases they had made, to their great hinderance of pforming the will of the deceased according to the trust comitted to them, & to the endamagem^t of the estate.

6 The said John Davenport acquainted y^e other two trustees with his purpose to interest the Honored Magistrates & [258] Elders of this Colony in y^e disposall || of that part of the estate that was by their agreement to be paid therevnto, for promoueing the colledg-worke in a graduall way, for the education of youth in good literature, so farr as he might wth p^rserving in himself y^e power comitted to him for the

discharge of his trust. They consented therevnto. Accordingly o y^e election day, it being the 30th day of the third moneth, he delivered vp into the hands of the Hon^d: Gouerno^r & Magistrates the writeings that concerne this businesse, (viz. the copie of Mr. Hopkins his last will & testam^t & y^e inventory of his estate in New England, & the apprizm^t of his goods, & the writeings signed by y^e survieing trustees for their attornyes, & some letters between the other trustees & himself,) adding also his desire of some p^ticulers for the well pforming of the trust, as followeth,

1 He desireth of Newhaven towne, that the rent of the Oyster-shell-feild, formerly seperated & reserved for y^e vse & benifit of a colledge, be paid frō this time forward towards the makeing of some stocke for disbursment of necessary charges towards y^e colledg til it be set vp, & afterwards to continue for a yearly rent as belonging to it, vnder the name & title of colledg land.

2 That if no place can be found more convenient, Mr^r. Eldreds lott be given for the vse of the colledg, & of y^e colony gra^mer schole, if it be in this towne, else onely for the colledge.

3 That parents will keepe such of their sonns constantly to learning in the schooles whom they intend to traine vp for publick serviceablenes, & that all their sonnes may learn at the least to write & cast vp accounts competently, & may make some entrance into y^e Lattine tongue.

4 That if the colony settle 40^{li} p annum for a co^mon schoole & shall add an 100^{li} to be paid towards y^e building or buying of a schoole house & library in this towne, seeing thereby this towne will be freed frō the charges which they have beene at hitherto to maintaine a towne schoole, they would consider what part of their former salary may be still continued for future supplies towards a stock for necessary expences about the colledg or schoole.

2 He humbly desireth the Hon^d General Court of y^e Colony of Newhaven, *first*, that the 40^{li} p annum formerly agreed vpon to be paid by the seuerall plantations for a co^mon gra^mer-schoole, be now settled in one of the plantations, w^{ch} they shall judge fittest, & that a schoolemaster may forthwith be provided to teach the three languages, Lattine, Greeke & Hebrew, soe far as shall be necessary to p^rpare them for the colledge, & that if it can be accomplished, that such a schoolemaster be settled by the end of this summer or the beginning of winter, the payments frō y^e seuerall plantations may begin frō this time.

Secondly, that if the co^mon schoole be settled in this towne, the Hon^d Gouerno^r, Magistrates, Elders & Deputies, would

solemnly & together visit the gramer schoole, once euery yeare at the court for elections, to examine y^e schollers pfficiency in learning.

[259] *Thirdly*, y^t for y^e payments to || bee made by the plantations for the schoole, or out of Mr. Hopkins estate towards the colledge, one be chosen by themselues, vnder the name & title of Steward or Receiver for the schoole & colledg, to whō such paym^{ts} may be made, wth full power given him by the court to demand what is due & to psecute in case of neglect, & to give acquittances in case of due paym^{ts} received, & to give his account yearely to the court, & to dispose of what he receiveth in such pvisions as cannot be well kept, in the best way for y^e aforesaid vses, according to advice.

Fourthly, that vnto that end a comitte of church members be chosen, to meet together & consult & advise, in emergent, difficult cases, that may concerne y^e schoole or colledge & which cannot be well delayed til y^e meeting of the general court, the gouernor being alwayes the cheife of that committee.

Fifthly, the sd John Davenport desireth y^t while it may please God to continue his life & abode in this place, (to the end that he may y^e better pforme his trust,) in reference to the colledge, that he be alwayes consulted in difficult cases, & have the power of a negative vote, to hinder any thing frō being acted w^{ch} he shall proue by good reason to be prjudiciall to the true intendment of the testatour, & to the true end of this worke.

Sixtly, that certaine orders be speedily made for the schoole, and when the colledge shall proceed, for it also, that y^e educatiō of youth may be carried on sutably to Christs ends, by y^e counsail of the teaching elders in this colony; and that what they shall conclude with consent, being approued by y^e hon^{ed} magistrates, be ratified by the General Court.

Seaventhly, because it is requisite that the writeings w^{ch} concerne Mr. Hopkins his estate be safely kept, in order therevnto the said John Davenport desireth that a covenient chest be made, with 2 locks & 2 keies, & be placed in y^e house of y^e gouernor or of the steward, in some safe roome, til a more publick place (as a library or the like) may be p^rpared, & that one keye be in the hand of the gouernor, the other in y^e stewards hand; that in this chest all the writeings now delivered by him to the magistrates may be kept, & all other bills, bonds, acquittances, orders, or whatsoeuer writeings that may concerne this busines be put & kept there, and that some place may be agreed on where the steward or receiver may lay vp such prouisions as may be paid in, til they may bee disposed of for the good of the schoole or colledge.

Eightly, because o^r sight is narrow & weake in viewing and discerning the compasse of things that are before vs, much more in foreseeing future contingencies, he further craveth liberty for himself & other elders of this colony, to ppoint to the Honrd Govern^r & Magistrates, what hereafter may be found to be conduible to the well carrying on of this trust according to the ends proposed, & y^t such proposals may [260] || be added vnto these, vnder the name & title of VSEFUL ADDITIONALLS, and confirmed by the General Court.

Lastly, he hopeth he shall not need to add what he expressed by word of mouth, that the Honrd General Court will not suffer this gift to be lost frō the colony, but as it becometh Fathers of the Commonwealth, will vse all good endeavors to get it into their hands & to assert their right in it for the comō good, that posterity may reape the good fruit of their labours & wisdom & faithfullnes, & y^t Jesus Christ may have the service and honor of such prouision made for his people, in whō I rest.

To these motions I desire that the John Davenport.
 answers of the court, together wth
 this writeing, may be kept among the
 records for y^e schoole & colledge.

The Court being deeply sensible of the small pgresse or pfficiency in learning that hath yet beene accomplished, in the way of more pticuler towne schooles, of later yeares in this colony, and of the great difficulty & charge to make pay &c, for the maintaining children at y^e schooles or colledg in the Bay, and y^t notwithstanding what this court did order last yeare or formerly, nothing hath yet beene done to attaine the ends desired, vpon which considerations & other like, this court for further encouragem^t of this worke doth now order, that ouer & aboue y^e 40^{li} p annum, granted y^e last yeare for the end then declared, y^t 100^{li} stocke shall be duely paid in from the jurisdiction treasury, according to the manner & times agreed & expressed in the court records, giveing & granting that speciall respect to o^r brethren at Newhaven, to be first in imbraceing or refusing the courts encouragem^t or prouision for a schoole, whether to be settled at Newhaven towne or not; but if they shall refuse, Milford is to have y^e next choyce, then Guilford, & so in order euery other towne one the maine within the jurisdiction have their liberty to accept or refuse the courts tender, yet it is most

desired of all that Newhaven would accept the businesse, as being a place most pble to advantage the well carrying on of the schoole, for y^e ends sought after & endeavoured after thereby; but the colledg (after spoken of) is affixed to Newhaven, (if the Lord shall succeed that vndertakeing.) It is further agreed that all & euery plantation who have any minde to accept the propositions about the schoole, shall p^rpare & send in their answers vnto the comittee chosen (of all y^e magistrates & settled elders of this jurisdiction, to order, regulate & dispose, all matters concerning the schoole, as the provideing instrum^ts & well carrying o^f of y^e businesse, frō time to time as they shall judg best,) before the 24th of June [261] instant, that so if any plantation doe accept, || the comittee may put forth their endeavours to settle y^e businesse; but if all refuse, then it must be suspended vntil another meeting of this general court.

And for further encouragement of learning, & the good of posterity in that way, Mr. John Davenport, pastor of y^e church of Christ at Newhaven, p^rsented a writeing, (as before appeares,) whereby & wherewith he deliu^d vp all his power & interest, as a trustee by Mr. Hopkins, for recouering & bestoweing of all that legacy given by him, for the end of furtherance to the settlem^t of a colledg at Newhaven; he also propounded therewith, what he app^rhends hath beene granted & sett apart by the towne of Newhaven for the same end, wth a request that matters thereabout might be ordered & carryed on according to such ppositions as are therein sett downe. All w^{ch} the generall court tooke thankfully, both frō the doners & Mr. Davenport, and accepted the trust, and shall endeavour by Gods help to get in the said estate & improue it to the end it was given for.

By way of further answer to what was propounded by Mr. Davenport in his writeing p^rsented, the court declared that it was their desire that the colony schoole may begin at the time propounded, & to that end desire that endeavours may be put forth by y^e comittee of magistrates & settled elders formerly appointed for the pvideing a schoolemaster, &c., to whō also they leave it to appoint a steward or receiver, w^{ch} steward or

receiver they impower as is propounded, and to settle a committee frō among themselves to issue imergent cases, & to take order that a chest be provided wherein y^e writeings may be laid vp that concerne this businesse. The court further declared that they doe invest Mr. Davenport with y^e power of a negative vote, for the reason & in y^e cases according to the tearmes in his writeing specified, and that they shall be ready to confirme such orders as shalbe presented w^{ch} in the judgment of the court shall be conducible to the maine end intended.

It is ordered for encouragment of such as shall dilligently & constantly, (to the satisfaction of the civell authority in each plantation,) apply themselves to due vse of means for the attainem^t of learning, w^{ch} may fitt them for publick service, that they shall bee freed frō paym^t of rates with respect to - their psons; pvided, y^t if any such shall leave off or not constantly attend those studies, they shall then be liable to pay rates in all respects as other men are.

It is ordered that if the colonie schoole shall begin any time within the first half yeare frō this court of electiō, y^t 40^{li} shall be paid by the treasurer for this yeare, & if it shall begin at any time before the election next, that 20^{li} shall be paid by y^e treasurer vpō that account.

[262] || To the printed law, concerning the education of children, it is now added, that the sonnes of all the inhabitants within this jurisdiction, shall (vnder y^e same penalty) be learned to write a ledgible hand, so soone as they are capable of it.

The constables of Stamford were desired to vse their endeavours to arrest the pson of Rich: Crabb of Greenwich, & to take security to the vallue of ^{li}, for his appearance before the court to be held at Stamford, to give answeere for such delinquencies as shall be charged vpon him.

It is ordered that a rate of 200^{li} shall be leuied vpon the seuerall plantations & y^e proprietors at Paugaset, according their pportions, the one half to be paid by the middle of October next, the other half by the middle of March following; in

such pay & at such prizes as was ordered 27 May, 57, w^{ch} is thus proportioned,

Newhaven,	71	12	02
Milford,	43	01	02
Guilford,	26	01	08
Stamford,	26	03	02
Southold,	17	01	06
Brandford,	14	11	08
Paugasett,	01	08	08
	200	00	00

AT A MEETING OF THE COMMITTEE FOR THE SCHOOLE, 28th JUNE, 1660.

There was p^rsent, the Gouvernor, y^e Deputy Gouvernor, Mr. Treat, Mr. Davenport, Mr. Street.

It was agreed that Mr. Pecke, now at Guilford, should be schoolmaster, & that it should begin in October next, when his half yeare expires there; he is to keepe y^e schoole, to teach the schollers Lattine, Greek and Hebrew, & fitt them for the colledge; & for the salary, he knowes the alowance frō the colony is 40^{li} a yeare; and for further treaties they must leave it to Newhaven, where the schoole is; and for farther orders concerning the schoole & well carrying it on, the elders will consider of some against the court of magistrates in October next, when things as there is cause may be further considered.

Mr. Crane & Mr. Peirson came after the businesse was concluded, & what is aboue written was read to them & they fully approued of it, & after that, being read to Mr. Gilbert, he approued of it also.

[263] AT A COURT OF MAGISTRATES, HELD AT NEWHAVEN
OCTOB^r 17, 1660.

There was p^rsent y^e Deputy Gou'nor, Mr. Gilbert, Mr. Crane, Mr. Treate.

The businesses referred to this court in May last, concern

inge Sam: Plumb, Francis Browne & Edward House, being called vpon, the deputy gouernor declared, that the gouernour (who was now sick) hath received a letter frō Mr. Rawson of Boston, concerning this businesse, who therein frō a letter frō England, complaines of much wronge done to Edw: House not being taught the trade of a brickmaker, to w^{ch} John Strange of Boston, his first master, stood engaged to doe, and by being held in service 8 monethes byond the time sett by his indenture, a copy whereof sent by Mr. Rawson, (but not attested,) was p^resented & read. Concerning the eight monethes service, (w^{ch} was mentioned by Mr. Rawson,) but found to be but frō Aprill to October, & so but 6 moneths, Sam: Plumb appealed to the records in October (59,) & thence he pleaded that in lieu of that 6 moneths service, hee was enioyned to transport him to Boston, w^{ch} he would have done but Edward House was not willing to goe; he further pleaded that his service was worth but little, for vpon his desire he being lett bloud, his sore festered, w^{ch} disabled him for service a moneth or six weeks, besides a fortnights sicknesse in harvest. They were asked what endeavours they had vsed to learne him the trade, but they could not make ought appeare that they had done that way, who both affirmed that they knew not that he was to learne the trade. Sam. Plumb said that he was not fitt for the trade when he came to him, for he could not bend his knee by reason of the scurvy, w^{ch} (as he vnderstands) he tooke a shipp board by eatinge brewis, his m^r being cooke. Francis Browne said that he was so diseased while he was with him that hee cost him neare 5^{li}.

This part of the businesse, as it referred to Edward House, haveing beene heard, y^e action of Samuel Plumb against Francis Browne came to be considered, & he declared that the said Francis Browne had sould to him y^e remander of service frō Edward House by indenture to one Jeffs, w^{ch} was 9 yeares frō the first of May, 1653; w^{ch} indenture the court judged invalid in October last, & therevpon Edw. House was sett free frō his service, for w^{ch} remander of time he demanded of Francis Browne 20^{li}.

Francis Browne acknowledged the aforesaid agreem^t with

Samuell Plumb, w^{ch} he sd he then judged he might doe by virtue of the indenture to Jeffs, w^{ch} it seems the court approued not but layd aside as invalid; he submitted the case betwixt Sam. Plumb & himself, to the judgm^t of the court, but withall declared that he had received much wrong frō him of whō he bought Edward House off, frō whō he must seeke his right as he may; he desired the court to consider whether the demands of Sam. Plumb be not far aboute what there is ground for.

[264] || After the plaint' & defendant had exprest what they had to say in the case, the court declared, that they looke vpon Francis Browne as haveing acted imprudently in this matter, (but fraudulently they see not,) they also looke vpon the boy Edward House as vnder infirmity of body, and doe therefore order, that Francis Browne doe pay (for the time of service from Edward House, sould to him, beyond what doth appeare to be his right to sell,) 10^{li} in current pay, wthin one yeare, wth the charges of the court 10^s.

For the discharging of the said 10^{li}, 10^s, Francis Browne now engaged to Samuel Plum 8^{li} in wheat & pease, due from Samuel Steele at spring next, to be paid at Hartford, & to pay 50^{ss} in wampom within three moneths, for y^e performance whereof the security taken already at Stamford to remaine vntill this be done.

Francis Browne did also engage to the court to referr the question concerning the trade of brickmaker to indifferent men to judg of when the court shall require him so to doe, vnless Mr. Rawson shall see cause to let that claime fall, frō what shal be suggested to him concerning the case.

Mr. Wakeman & Mr. Auger in behalf of the creditors to the estate of Mr. Stephen Goodyear deceased, appeared to prosecute an attachm^t vpon the estate of Mr. James Mills, to the vallue of 10^{li}. Mr. Mills being thrice called, answered not, wherevpon the court ordered the attachm^t to remaine vntill further order, & that iust damages & charges shall be allowed by the defendt when y^e case is tried.

Joseph Meade, attorney for Abraham Frost, appeared to

prosecute in an action of slaunder against Rich. Crabb, who being called, answered not.

Ensigne Bryan had liberty frō the court to remoue the 300 bush: of salt depositted by Captaine John Penny, to some other warehouse where it may be safely kept & p'served, y^e wasting of the salt & warehouse roome remains to be considered.

Captaine Nathaniel Siluester being bound ouer to this court, & certaine goods of his attached for his appearance, being called, answered not, w^{ch} attachm^t is to remaine and he enioyned to make his appearance at the court of magistrates the second day of the weeke next before y^e election in May next, to answeere such complaints as are specified in the order of y^e gen: court concerning him in May last, wth what els shall be charged against him.

[265] || John Archers of Stamford, plainteife in an action of the case concerning a horse, against Francis Browne of Stamford, defendt, declared,

That he had a horse, about the moneth of February, 1659, w^{ch} Francis Browne had a minde to, after some treaties betixt them, they came to an agreem^t that Francis Brown should have his horse, (w^{ch} he deliu'ed to him,) for which horse he was to have his choyce of Francis Browns horses or 13^{li} in pease & wheate, but he feareing that corne would fall short, he released the corne & desired of the defendt a horse, according to agreem^t, but instead of a choyce out of all his horses, the defendt p'sented a horse, of 2 yeares old, w^{ch} if he liked not he must stay till his other horses came vp, w^{ch} he was not willing to doe, & did therefore comence this sute against the defendant; for clearing of the case, the plaint p'sented in writeing these following testimonies,

The testimony of goodman Newman, aged about 50 yeares, he saith, that he being at Robt. Poyners, heard John Archer & Francis Browne make a bargaine together; goodman Browne said to John Archer, if you will let mee have your bay horse you bought of goodman Stokey, I will let you have the choyce of my horses, or 13^{li} in pease & wheate; afterward I heard that the bargaine was broke, I meeting them afterwards seuerally, I told them that I heard that they had broke the bargaine, they told mee they had onely broken the bargaine

of wheat & pease, & that y^e choyce about the horses stood; this bargaine was made in y^e winter 1659.

Stamford, October 13, 1660, given in vpon oath before me,
Richard Law.

The testimony of Cornelius Jones vpon oath, he saith that John Archer was to have the choyce of all Francis Browns horses for a horse of John Archers w^{ch} he had of Goodman Stokey, & in case the horses did not content John Archer, then Francis Browne was to pay John Archer 13^{li} in pease & wheat, to be paid in the spring come twelue moneth, w^{ch} will be in the yeare 1660.

Richard Law.

This I can say, that I heard Francis Browne say, y^t Jo: Archurd was to have the choyce of all his horses, for a horse y^t Francis Browne had of John Archer, this was their agreem^t about y^e 11th of February, 1659.

Given in vpon oath before mee, Peter Disbrow.
Rich. Law, Octob 15th, 1660.

The testimony of Richard Ambler, vpon oath he saith that Francis Browne did say that John Archer was to have the choyce of all his horses, & y^t was the bargaine, & this Francis Browne owned in my p^rsence,
Rich: Law.

I, Stephen Clawson, can testify if occasion, that I was in p^rsence when John Archerd & Francis Browne discoursed about the horse, & Francis Browne told John Archer that [266] || hee should have the choyce of all their horses, that was his bargaine, wherevnto I set my hand,

Stephen Clawson.

The defendant granted that he had a horse of y^e plaint', (w^{ch} his fancy led him to,) w^{ch} horse fell sick and he thought would have died, w^{ch} he rideing to Norwalk tired that he was forced to dragg five miles, w^{ch} he kept all winter vpon charge, w^{ch} he in May following proffered to the plaint' againe but he refused to accept him, vpon w^{ch} he endeavoured to gett vp his horses, that John Archer might have his choyce, but the tearmes of agreem^t was, that he was to have his choyce of a horse when they came vp, for the prooffe of w^{ch} agreem^t, y^e defendt p^resented the testimony of Joseph Meade, Martha Brown & Tho. Browne, as followeth,

Joseph Meade, aged about 30 yeares, vpon oath hee saith, that John Archer told him that he had put his horse away to Francis Browne & he was to have one of the best of his horses when they came vp.

Stamford, October 15, 1660.

Richard Law.

I, Martha Browne, doe hereby testify the bargaine w^{ch} my husband made with John Archer about a horse was this, my husband was to have a horse of John Archer & John Archer was to have the choyce of my husbands horses when they came vp.

This was given in before mee,

Richard Law.

Tho: Browne, aged about 22, vpon oath he saith, y^t John Archer told him that he had changed away his horse to Francis Browne, & was to have y^e choyce of his horses when they came vp.

Stamford, October 16, 1660.

Rich: Law.

The defendt professed that he had vsed all possible meanes for the findeing of his horses, by himself & others, p^ticulerly Jonathan Lockwood & Joseph Mead, y^e latter now affirmed that he hath (at the desire of Francis Browne) spent mony to get vp horses to sute John Archer, but could not finde them; the defendt further said that he tendered the plaint' a ambling horse w^{ch} he road vpon, w^{ch} was not accepted, & had also tendered a black horse & 40^s in corne, & to take the horse againe if Archer had not disposed of him before he found his other, & then he should have his choyce, for the proof whereof y^e testimony of Rich. Law was p^resented & read as followeth,

Theise may certify the worr^{ll} court, that in my p^resence Francis Browne did proffer John Archer in leiw of his horse he had of John Archer, a black horse he had in hand, w^{ch} by [267] estimation full as good as that horse y^t Fran. Brown || had of John Archer, & 40 shillings to be paid in corne, also Francis Browne proffered J^o Archer if he could not make his markett of that black horse before hee could get vp other horses, John Archer should have his choyce of other horses & he would take y^e black horse againe, if Archer would deliver him in good state as he was then in.

The plainteife granted that a horse was tendered, but such (he said) as was not worth 7^{li} for his market, but Joseph Mead now in court said that the horse was a substanciall, well growne horse.

The plaint further said that the defendt not p^resenting him with a horse to his content, the came to treat about corne, & he proffered to accept of 12^{li} wheat & pease in March next, but the defendt not consenting therevnto, but to pay 4^{li} of the 12

in Indian corne, that treaty about corne fell, so that now he expects a horse, according to agreem^t.

The defendt pleaded that he had vsed all meanes for a quiet & peaceable end, & had made all manner of tender & to referr the case to the judgm^t of indifferent men, for proof of the last cause, the testimony of Robert Poynere & Cornelius Jones was p^resented, & is as followeth,

Robert Poynere saith, that Francis Browne did offer John Archer to put the case of difference, about a horse chang, to any indifferent men to judge what was right betweene them, & he would stand to their judgm^t, but John Archer refused.

Robert Poynere.

Cornelius Jones witnesseth the same.

This was in my p^resence, Rich: Law.

The Court told the plaint^r that if the defendant could not get vp all his horses, why should not a composition be attend- ed, such as he hath tendered, viz, the black horse & 40^s in corne, w^{ch} horse, by one witnesse, is sd to be a substanciall well growne horse, & by another, that by estimation he was full as good as that w^{ch} Francis Browne had of him.

The Deputy Gouverno^r in the name of the court further declared (though they saw not cause to condemne Francis Browne for charges or damages in the action, for that the time for paym^t seemes not to be expired,) yet in reference that due paym^t may be made, did order, that the said Francis doe vse all reasonable & honest endeavours to get vp so many of his horses as may be had within foure moneths space, and p^resent them to John Archer, that he may chuse out one to his best content, but if they being gradually got vp & p^resented, & the said Archer do refuse to accept any at the time when p^resented, w^{ch} afterwards he shall returne to accept, that horse being [268] turned out, he shall be gotten vp at || Archers charge, only he is to be prised by indifferent men, & Browne is to make him worth 12^{li} in wheat & pease at price currant, & to be sure to have one horse alwayes in hand vntill the time of 4 moneths be fully expired.

By reason of the afflicting hand of God o Newhaven by much sicknes, the court could not pich vpon a day for publicke thankgivinge through the colony for the mercyes of the

yeare past, & did therefore leave it to the elders to the church at Newhaven, as God may be pleased to remoue his hand fr^o the gouernor* & others, to give notice to the rest of the plantation what day they judg fitt for that duty, that we may give thanks & reioyce before the Lord together.

AT A COURT OF MAGISTRATES HELD AT NEWHAVEN DECEM:
11th, (60.)

Present, the Deputy Gou'no^r, M^r. Gilbert, Mr. Crane, Mr. Treat.

There being sometime in the moneth of [^] last, a house burnt downe to the ground at Milford, Jacobus Loper, aged about twelve yeares, servant to Hauns Albers, suspected of that fact, being examined by y^e magistrate denyed y^t he was guilty of it; a few dayes after, the house wherein his m^r dwelt being on fire, Jacobus being (by Tho: Wheeler y^e owner of the said house) questioned for fireing y^t house, confessed that he did it & declared the manner how, vpon w^{ch} confession he was againe questioned concerning y^e former house, who at first againe denyed it, but afterwards confessed, & said that some seamen came to the doore when his master was in bedd, & promised to give him (if he would fire the house) a pistoll, powther & ribbins; another time he said y^t he carryed out a cole to the railes & the seamen tooke it & ioyned with him in fireing the house; but at the last he wholly freed the seamen & confessed that he himself did it, describeing the manner how, viz, by fireing a clabbord o^o the outside, and giveing the reasons why, viz, 1, because he thought it might fire his masters house alsoe, & thereby he should be freed fr^o service & goe home to his mother, 2^{ly}, because J^o Baldwin who liued in that house had made complaint to his m^r y^t hee had stollen his plumbs, for w^{ch} he was beaten; after w^{ch} he was sent to the prison at Newhaven, who being called before y^e court was told, that he was accused of a notorious crime by him comitted at Milford, that being a servant (to a[^] Duchman there) he tooke his time to sett fire on a house, to the consumeing of y^e house & y^t w^{ch} was in it; he was asked if it was so, to

*Governor Newman died on the eighteenth of November, 1660.

which hee answered no; he was told that he had confessed it, only he varies in the manner; he was asked if he had not confessed that hee did it by the instigation of some seamen, to w^{ch} he now said yea; he was bid to declare what moued him to it, & how it began first to worke in his thoughts, to w^{ch} he answered, that as he was goeing by in the day, he heard that John Baldwin would not be there at night, & in [269] y^e night as he was passing by, heareing || a noyse in the house, he went in, where findeing some seamen, he asked them what they did there, they said if he would sweare not to tell, (w^{ch} he did,) he should knowe, then they said if he would sett fire o one end of the house, they would sett fire o the other, & he did so. He was asked what was the reason that he did this wicked fact, he answered, because John Baldwin had complained to his master that he had stollen his plumbs, for w^{ch} he was beaten; he was asked whither he was going so late, to w^{ch} he answered his master being in bedd with a stranger, hee being to lye by the fire, he went towards Mr. Fenns to play; he was asked where he had the fire, hee answered on a corner of the hearth of the house y^t was burnt; hee was asked whether any were appointed to play with him, to w^{ch} he said no, nor did he know that any body was in the house vntill hee heard the noise as he was goeing by. It was demanded how many seamen there were, he said he thought there were six, but he knew non of them. Mr. Treat required his reason, why he layes it vpon the seamen now, haveing formerly said that he did it himself, & wherefore he did not accuse them at the first, to w^{ch} he said that he was affraid the seamen would kill him. It was demanded of him, why he is found in these seuerall storyes; he was asked w^{ch} was the trueth, to w^{ch} he said the trueth was y^t w^{ch} he had now related; he was told that he had said that y^e seamen gave him ribbins &c, that he should not discover it; he was asked what became of the ribbins; to w^{ch} he answered that he gave them away, but Mr. Treat told him that hee had said that those ribbins were given him by his mother, & John Baldwin testified that he had them long before, but he still said that the seamen gave them to him; Mr. Treat told him that he

had said that there were but foure seamen, & that they came to the dore when his m^r was in bedd, to w^{ch} he now said that what he had said therein was vntrue.

Jacobus was told that frō the first to the last he hath confessed that he did it or had a hand in it, and herein (though his storyes be various) one time saying, that when his m^r was in bedd foure seamen came to the dore &c, another time, that he heard the seamen make a noyse in the house as he was goeing by towards Mr. Fenns to play &c; but take it either way, this he alwayes confesses, that he either did it, or had a hand in it, & this is given as the ground, because Jō. Baldwin complained to his master of the matter of plumbs, w^{ch} complaint it is like was true & the correction iust, he haveing nothing to say against his m^r for any ill vsage, as himself had acknowledged; he was further told that he is reported to be a notorious lyeing boy, a great offence to the English amongst whō he lives, & a dishonor to the nation to w^{ch} he belongs, and that hee hath ppetrated this act to a great sum w^{ch} he is not able to answere.

John Baldwin p^rsented in 3 papers, an account of goods that were in the house, belonging to seuerall in Milford, (but proued it not,) he desired that their damage might be considered & they righted, the goods amounting to about 78^{li}, to w^{ch} must be added 8 or 10^{li} belonging to Mr^s. Tapp. Goodman Clarke, the owner of the house y^t was burnt, informed that his house he esteemed worth 30^{li}, but declared he did not [270] now demand it, & that he || also lost a peice of serge about 3^{li}.

Jacobus was asked if he saw these goods in the house, or saw them conveyed away by the seamen, he said no, the seamen went ouer the lots behinde his m^r house, but they car-ryed away no goods that he saw, nor did he heare frō them for what reason they would fire the house, nor did he know what became of the goods nor of any complotm^t about them.

After w^{ch}, the court by way of sentence declared, first, as there is a criminall offence by Jacobus Loper comitted, in burning one house &c to the ground, with a after attempt to burne his masters house, vnto w^{ch} many lyes he hath added, for these miscarriages, vpon the considerations aforesaid, it

was ordered that he be corporally punished by whipping; secondly, as he by this fact hath brought damage vpon others, w^{ch}, besides the house, is to the vallew of about 100^{li}, as the court was informed, (& but informed,) the prooffe whereof they leave to the judgm^t of the court at Milford, it is ordered that he pay double, according to the law in that case, or to the satisfaction of such as shall proue their damag by the fire, w^{ch} satisfactiō aforesd, if it be not made by himself or others ō his behalf, he is to be sould for a servant; thirdly, that the jurisdiction for time to come may be secured, it was ordered, that whosoever shall entertaine & keep the said Jacobus Loper, shall be bound to secure the jurisdiction and the seuerall inhabitants thereof frō future damage by such like mischeivous attempts of his, and he to remaine in the marshalls custody vntill this sentence be fullfilled.

At the desire of Mr. Goodenhouse, for reasons by him shewed, the court granted him an attachm^t against the estate of Mr. John Evance in Newhaven, to answey y^e issue of an account concerning the shipp Susan, depending in England.

The Court being informed that the salt deposited wth the court by Captaine Penny, was in a decaying condition, for p^rvention of further damage they did dispose of it to Ensigne Bryan & Mr. Jō Hudson, at 3^s a booshell, in country pay, or so much salt againe when it shall be demanded, the pformance whereof they engaged, as by a writeing dated the 11th, 10th moneth (60,) subscribed by Alexander Bryan, John Hudson.

[271] AT A MEETING OF THE GEN: COURT FOR THE JURISDICTION, MAY 17th, 1661.

The Deputy Gouvernor declared to the court the cause of the meeting, viz, that he had received a copie of a letter from his majesty, wth another letter frō the gouvernor of y^e Massachusetts,* for the apprehending of Colonell Whaley & Colonell

* A copy of the kings letter to the Governor of New England, dated March 6th, 1660-1, may be found in 3d Mass. Hist. Coll., vii, 123, and a copy of Gov. Endicott's letter to the Dep. Gov. of New Haven dated May 7th, 1661, in Doc. rel. to Col. Hist. of N. Y., iii, 41.

Goff, w^{ch} letters he shewed to the court & acquainted them y^t forthwith vpon the receit of them, granted his letter to the magistrate of Newhaven, by advice & concurrence of the deputyes there, to make p^rsent & dilligent serch throughout their towne for the said p^rsons accordingly, w^{ch} letter the messengers carried, but found not the magistrate at home, & that he himself followed after the messengers & came into Newhaven soone after them, the 13th of May 1661, bringing wth him Mr. Crane, magistrate at Brandford; who when they were come, sent p^rsently for the magistrates of Newhaven & Milford, & y^e deputies of Newhaven court; the magistrates thus sent for not being yet come, they advised with the deputies about the matter, and after a short debate wth the deputies, was writeing a warrant for serch for the aforesd Colonells, but the magistrates before spoken of being come, vpon further consideration, (y^e case being weighty,) it was resolved to call the gen: court, for the effectuall carrying o of the worke. The deputy gouernor further informed the court that himself & the magistrates told y^e messengers that they were farr frō hindering the search, & they were sorry that it so fell out, & were resolved to psue the matter as that an answere should be p^rpared against their retorne frō the Dutch.

The Court being mett, when they heard the matter declared, & had heard his majestyes letter & the letter from the gouernor of the Massachusetts, they all declared they did not know that they were in the colony, or had been for diuers weekes past, & both magistrates & deputies wished a serch had beene sooner made, & did now order that the magistrates take care & send forth warrant, that a speedy, dilligent serch be made throughout y^e jurisdicon, in psuance of his maties comand, according to y^e letters received, & y^t frō y^e seuerall plantations a retorne be made, y^t it may be recorded.*

Order to search for Whalley and Goffe.

May 17, 1661. For the Marshall or Deputies at Milford.

You are to make diligent search, by the first, throughout the whole towne of Milford and the precincts thereof, taking with you two or three sufficient persons, and calling in any other helpe you shall see need of, who are hereby required to attend for your assistance upon call; and this to be in all dwelling houses, barnes or other

And whereas there have been rumors of their late being here at Newhaven, it hath been enquired into & severall persons examined, but could finde no trueth in those reports, & for anything yet doth appeare, are but vniust suspitions & groundles reports against y^e place, to raise ill surmises & reproaches.

[272] AT A COURT OF MAGISTRATES HELD AT NEWHAVEN THE
27th MAY, 1661.

Deacon George Clarke of Milford, plaint,
John Baldwin of the same, defendt.

The plaint entred a action of the case against y^e defendt, for a house & goods, (to the vallew of 33^{li}.) burnt at Milford, but after some short debate, the plaint not finding himself at p^rsent p^rpared to prosecute his action, desired that it might be respitted vntill a time of heareing (this court) might be afforded, onely he desired that the testimony of Hans Aluers might be taken in y^e case, who testified that there was a hole in y^e clabboards about the vpper floore at w^{ch} a man might goe in, through w^{ch} (frō his house) he could see both y^e clothes & y^e men at worke, w^{ch} y^e defendt granted might be so.

buildings whatsoever, and vessels in the harbour, for the finding and apprehending of Colonell Whalley and Colonell Goffe, who stand charged with crimes, as by his Majesties letter appears; and being found, you are to bring them to the Deputie Governor, or some other Magistrate, to be sent over for England, according to his Majesties order. Hereof faile not at peril.

By order of the General Court,

Jasper Crane,
Matthew Gilberte,
Robert Treatt.

as attest,

William Leete, Deputie Governour.

In the Marshalls absence, I doe appoint and impower you, Thomas Sanford, Nicholas Campe, and James Tapping to the above named powers, according to the tenour of the warrant; and to make a returne thereof under your hands to me by the first.

Robert Treatt.

Wee, the said persons, appointed to serve and search by virtue of this our warrant, doe hereby declare and testifie that to our best light we have the 20th of May, 1661, made diligent search according to the tenour of this warrant, as witness our hands.

Thomas Sanford,
Nicholas Campe,
James Tapping,
Lawrence Ward, his I mark. } Searchers.

8d Mass. Hist. Coll. vii, 124.

The Judges remained concealed in the cave at the West Rock, from May 16, to June 11.

Sarjeant Willm Fowler, attorney for Mr. John Davenport junior, of Newhaven, entred an action of the case against Mrs. Joanna Prudden of Milford, concerning a horse taken vp & detained by her; Jasper Gunn appeared as her attorney to answer the sute.

To prove that the horse in question did belong to the plaint', these following testimonyes were p'sented,

Edmund Tooly testied that there was brought vp by Edw: Campe, about six yeares agoe, a horse colt of a bright bay couler w^{ch} sucked his dam, w^{ch} was also of a bright bay couler, the colt had white in his forehead, one white foote behinde, w^{ch} he apprehended to be the horse now in questiō at Milford, & to be the very same horse which came of his master Davenports bay mare.

This testimony was taken vpō oath the 28th of 12th moneth, 1660.

Mathew Gilbert.

Ralph Lynes & John Burwell being vnder oath in court at Milford, (where the case was heard, (but not issued,) the 7th of March, 1661,) did there testify, (as by a copy of their record now p'sented did appeare,) concerning a horse of Mr. Davenports w^{ch} is supposed to be this, that they knew him at a yeare old, & that then he was a bright bay wth a small star, & to their best apprehension it is six yeares since, & when he did come out againe, then he was branded with Mr. Davenports brand.

Samuell Burwell, aged about 20 yeares, witnesseth that when this horse that is now in controuersy at Mrs. Pruddens, was first brought vp out of the woods, winter was twelue moneth, into Mr. Whitmans yard, & then John Warlock & hee was there together, & the sd Warlock then said he did not apprehend this was Mr. Pruddens horse, for he did not know that she wanted any such horse, further hee then said that she [273] wanted a bay gelding, but this || was not like that, for he made account that y^e gelding was not so light a couler as this, & that it was bigger then this, but he said that they might doe well to ketch him & search him whether he was a gelding or no, but he did not apprehend that horse to be Mrs. Pruddens gelding.

The abouesd Samuell Burwell hath made oath vnto the aboue named testimony, before mee, Robert Treat, at Milford, March 18th, 1661.

The defendant declared that he looked for proof that y^e horse was Mr. Davenports, w^{ch} yet he saw not, for as for Edmund Toolyes, it was but a single testimony, and for John

Burwell, he hath said at M^{rs}. Pruddens that he thought y^e horse was hers; the defendt p^rsented the testimony of John Warlock, but not vpon oath, who saith in a writeing directed to M^{rs}. Joanna Prudden, as followeth,

Louing M^{rs}, there was a mistake in my last to you, I not so fully vnderstanding your writeing to mee, my testimony is as followeth, that you had a bright bay stone horse with a small starr in his forehead & one white foote behinde & a black list vpon his backe, wth P P. vpon his neare shoulder & M: for Milford; there vsuall walk of feeding was about the sea side, & this is the trueth of what I doe remember, witness my hand.

This is the writeing & I W marke of John Warlocke,

Attested by mee, Robert Chapmā, Decemb 7th, 1660.

This writeing being read, the plaint called for a former testimony of John Warlocks w^{ch} he apprehended contradictory vnto this, but the defendt answered he neuer saw it, but if they would make vse of trueth, its here p^rsented.

These words taken out of M^r. Pruddens booke.

A gray mare colt, foled in 54, of the markes of his sorrild mare, a sorrild horse colt of the same yeare & marke of my sorrill mare, these two lie towards the Indian side.

Vpon w^{ch} the plaint pleaded that theres mention made of a sorrild colt, but the horse in questiō is a bay, therefore cannot be the same, & besides that w^{ch} M^{rs}. Prudden wants is a gelding, but this is a horse, wherevpō the defendt p^rsented the testimony of Tho. Betts, as followeth,

When I had been at Newhaven, to let M^r. Davenport see the horse w^{ch} is in difference betweene M^r. Davenport & M^{rs}. Prudden, Sarjeant Fowler came to M^{rs}. Pruddens & looked vpō the horse & y^e brandmarke, & sd that the marke could not be I: D:, but it might possibly be P:P:, & by the horse starting forward when y^e brand was setting o, might turne it off one side.

This testified by mee, Tho: Betts.

Benjamin Jones, aged about 20 yeares, witnesseth that as John Warlock was comeing frō the Indian side, he said at o^r house that he thought he see his M^{rs}. gelding, and so shee told [274] Esburne Wakemā of him, & he went & fetched || him home, & he said seuerall times it was his m^{rs} gelding, a brave bay gelding, & at another time when y^e said Esburne was a

leading him to the water, I asked him what horse y^t was, & he sd it was his m^{rs}. gelding.

The aboue written Benj Jones hath made oath vnto the abouesd testimony, before mee, Robert Treat, in Milford, March 18th 1660: 1661.

The Court haveing viewed the horse, heard & considered the evidence on either side, with y^e pleadings both of pt & defendt, by way of sentence declared that by all that hath beene said it doth not clearely appeare to whō the horse doth belong, but they doe judg that y^e most probable proof is ō the plaint side, and doe therefore order that the horse be delivrd to Mr. Davenport as haveing the most probable right, liberty being left to y^e defendt of a reueiw at the court of magistrates in October next if he see cause to prosecute; y^e defendt to pay y^e charges of y^e court in this cause.

Leiftenn^t Charles Glouer of Southold, plaint^r, against Mr. James Mills & Leiftenn^t John Budd defendants, entred an action of the case for breach of an agreem^t vpon y^e forfeiture of a bond of 200^{li}. Mr. Mills being thrice called, answered not, but Leiftenn^t John Budd appeared to answere the sute, wherevpō the plaint declared,

That he haveing done a peice of worke for Mr. Mills, there grew a difference vpon accounts & otherwise betwixt them, wherevpon they both voluntarily, and mutually, agreed to referr it to indifferent men for issue, & entred into a bond of 200^{li} to stand to their award, w^{ch} by a writeing, dated the 25th October, 1660, did so appeare; another writeing was by him p^rsented, dated 29th October, 1660, whereby it appeared y^t Mr. W^m Wells & Captaine John Youngs of Southold were by ioynnt consent chosen arbitrators, for ending all differences betwixt them according to their former engagem^t, as soone as possibly the said James Mills could returne frō Newhaven; accordingly about three dayes after his returne, they got the arbitrators together, which was ō the 8th of December, & they foure being mett, Mr. Mills asked him y^t they might issue accounts betwixt themselues & not trouble their freinds, to w^{ch} he said himself was not opposit, wherevpon Mr. Wells

wished them to make triall & go as far as they could, & then they should have the less to doe; the plant' further said that [275] Mr. || Mills then promised to come downe ō the morrow morning wth his bookes, but came not, but about eleaven a clock hee came hurrying & desired him to goe with him, w^{ch} he did, where they run ouer their abruptly, but could not issue, & so it rested till the 14th of December, at w^{ch} time they assayed againe, but could doe nothing, & that Mr. Mills said the men w^{ch} they had chosen should not end it, but it should goe to Newhaven, by which he conceiv'd it appeared that Mr. Mills had forfeited the 200^{li}, haveing broken his engagem^t, concentering which hee craved the iustice of the court.

But for the cleareing of Mr. Mills frō breach of y^e agreement & forfeiture of the bond of 200^{li}, the defendt p^resented in writing as followeth,

Northampton, this 13th of May, 1661.

The deposition of Thomas More, señ. This deponent saith, whereas there was a difference betweene Mr. Mills & Charles Glouer, in makeing vp their accounts & the bignesse of the shipp more then the first agreem^t, they both agreed to put their differences to men to be ended, but vpon further consideration, Mr. Mills & Charles Glouer with y^e consent of their arbitrators, agreed to make vp their accounts between themselves without any arbitrators, if possibly they could, & the next day they were together makeing vp their accounts, & went as far in their accounts as that time would pmitt, for the shipp being aground ō the barr, the tide was to get her off, & then Mr. Mills told Charles Glouer he would carry his booke aboard, and there they would make ā end, & so they did both of them carry their books aboard, and this deponent being aboard the shipp, at evening Mr. Mills asked Charles Glouer if they should go see if they could make ā end of their accounts. Charles Glouer told him he could not that night & so Charles Glouer went ashore p^resently; y^e next day Mr. Mills asked Charles Glouer if he would not stay y^t they might issue their business of their accounts, Charles told him that he could not stay then, & then Charles went home, w^{ch} was foure miles frō the shipp, then Mr. Mills told Charles that he would come vp at night; a day or two after this they both did meet where Mr. Mills lodged, & went to makeing vp their accounts, but before Mr. Mills would go any further in his accounts wth Charles Glouer, Mr. Mills asked the carpenter, Charles Glouer, what hee would demand for the two foote depth in

hold y^e shipp was more then the first agreem^t, Charles would not tell nor say what he would have a long time, but at last Charles Glouer told Mills what he would have, & then Mr. Mills thought his demands were so vnreasonable that he should neuer give him what he demanded; being both of them almost angry, Mr. Mills told the carpenter, Charles Glouer, that he had paid him more for the shipp already then the agreem^t was, and that should be made appeare by his accounts, & there they left off. A day or two [^] this, Mr. Mills drew out all his accounts and carryed them to Mr. Wells & Mr. [276] Youngs, & told them there were || the accounts in all the pticulers that he had paid to Charles Glouer, & pfered to take his oath to them, & Mr. Mills prayed them to take them & puse them with Charles Glouer, & to see what exceptions they could finde against them, but Mr. Wells & Mr. Youngs refused, & said they would not meddle with them vnless they had power to issue any differences they should finde in y^e accounts, not further.

Taken before me, John Ogden.

The depositiō of Alice Rawlings, being sworne & examined, saith, That o the 7th of December last past, being at Mr. Mores at Southold, that on that day in the evening y^e arbitrators betwixt Mr. James Mills & Charles Glouer mett, & that she heard the said Charles Glouer say seuerall times y^t the arbitrators advised them to end it betwixt themselues, and if they could not end all their differences betwixt themselues, & *if they could not end all their differences betwixt themselues*, then if they would bring it to them the sd arbitrators, they would doe it for them, also this deponent saith, that the next day after the arbitrators mett, the sd Charles Glouer & James Mills mett at Mr. Moores according as the arbitrators advised, & began wth their accounts, and she, the deponent, heard Mr. Moore say seuerall times to y^e said Mills, come away & leave off your accounts, for you will loose the tide to heave the shipp off, but y^e said James Mills refused to breake off before he had finished y^e acc^{ts} with y^e said Charles Glouer, & when they had done, the sd deponent heard him say that there was little or noe difference in y^e accounts, & that he did not matter small matters, five or six pounds should not make a difference betwixt them, onely they had not reckoned some mens wages & other small matters; also this deponent saith that y^e second day following, Charles Glouer went downe to the shipp to end their difference, but returned & did not, but about 2 or 3 dayes after that they went downe to y^e shipp, they returned againe, & James Mills at Mr. Moores said to Charles Glouer, shall we end o^r matters now, but he refused & said he must go

home to sleep, James Mills replied to him, (being very vrgent to have him stay & end with him,) & said to him the said Charles Glouer, I caried my booke downe with mee to the shipp to end with you & there you would not, but you would come vp to the towne, & then when I saw you would not stay there to end, I concluded to bring my book vp to towne with mee againe & I am now come vp purposely to end with you & now you will not, I cannot wait vpon you alwayes, my occasions calls mee ouer to Pequitt, if you will not doe it now, appoint a time when I shall come vp againe & I will, so the sd Charles Glouer appointed y^e next night following, & accordingly the said James Mills came, and being together at Mr. Moores, the sd James Mills said to the said Charles, you know we have almost ended our accounts, before we proceed any further let mee know what it is you require for the shipp for building the shipp two foot deep in y^e hold then y^e agreem^t, y^e [277] sd Charles || Glouer did in a very angry manner refuse vtterly to tell the sd James Mills what he should give him for the shipp, for, said Glouer, let vs finish o^r accounts first, & after we have ended all o^r accounts then I will tell you what you shall give for y^e shipp, & not before; and thus did the sd Charles Glouer continue for the space of about 3 houres, till it was about 12 a clock at night, & by no pswation would be drawne to tell the sd Mills what he should give him for the shipp, the sd Mills replied it is all y^e reason in the world that I should know what I must pay for the shipp before I pay for her, & vnlesse you will tell mee what I must pay for the shipp I will not finish my accounts with you, for you would have mee give you y^e difference in accounts betwixt vs, & then you will make mee pay for y^e shipp what you please yourself. Also this deponent saith, shee heard Charles Glouer say at the same time, I confesse saith hee Charles Glouer, when I made the agreem^t with you y^e aforesd Mills, I told you I did not certainly know what length the shipp was by the keele, I said I knew not whether shee was 49 foote, or 50, or 51, or 52 foote by y^e keele, but I was certaine she was 49 foote, but said y^e sd Charles Glouer, there shee is as shee lies, more or lesse. Also this deponent saith, that the next morning after they had this discourse, that the said James Mills went ouer to Pequett according as he said to Glouer the night before, that his occasions was vrgent & he could not wait vpon him, so as he did frō time to time. Also this deponent saith y^t about 9 or 10 dayes after, the sd James Mills returned to Southold, & then did bespeake a lanching dinner, at w^{ch} time Charles Glouer & James Mills mett, & Charles Glouer asked him when they should end their differences, for said hee, it is time; the sd

James Mills said it was not then a seasonable time, it being about 12 a clock at night; the next morning James Mills went aboard the shipp, & then did Charles Glouer send a warrant after him the said Mills. Also this deponent saith shee heard Charles Glouer say, if the shipp had been Mr. Brentons, she might have beene lanced y^e last yeare. Also she saith, she heard the sd Glouer vrge James Mills many times to doe his worst, saying he would faine see the fruits of his threatening him, & further saith not. To all this that is before declared, Fortune, y^e wife of James Mills doth testify to be true vpon oath, also Roger Rawlings, husband to the deponent Alice Rawlings, testifieth the trueth of all this vpon oath.

Taken vpon oath this 4th of March, 1661, before mee,
John Tinker, of New London, Assistant.

This deposition being read, the pt replied that therein it is said that o the 7th of December y^e arbitrators mett at Mr. Moores, w^{ch} he now vndertook to disapproue, w^{ch} y^e defendt desired might be noted that he charged falchood on the witnesses; the writeing being viewed, y^e pt was told that y^e deponent doth not say that they mett at Mr. Moores, but being at Mr. Moores, &c., concerning w^{ch} charg y^e pt saw his error.

[278] || The plaint^r desired to speake to that passage in y^e deposition, viz, the second day following, Charles Glouer went downe to the shipp to end their differences but returned and did not, but about 2 or 3 dayes after they went downe to the shipp they returned againe, & James Mills at Mr. Moores said to Charles Glouer shall we end o^r matters now, but he refused & sd he must goe home & sleep; to w^{ch} he now answered, it is true he went downe o the second day, the reason was the shipp being off, Mr. Mills desired him to goe & worke, who also then said, it may be we may end o^r matters aboard, but he went ouer to Shelter Island, who promised to come vp at night, who did come, but very late, & he haveing beene 3 nights aboard, wanting those refreshm^{ts} w^{ch} he might have had on shore, being almost spent, he did say he must goe home & sleep.

The defendt desired it might be noted that the pt had said, that he could not get Mr. Mills to attend a issue, yet now hath sd y^t Mr. Mills would have had it attended but he must goe home, & sleep.

The plaint presented these testimonies following,

The testimony of Nathaniel More, aged about or neare 20 yeares, this deponent saith, that vpon a sixt day at night he heard Mr. James Mills say, that the men which was the arbitrators chosen betweene them should not end their differences, but it should goe to Newhaven, & that he did not matter 200^{li} so long as he thought hee should get five by it.

Nathaniell Moore.

Testified vpon oath before mee, With Wells, Aprill 10th, 1661.

Simō Steevens, seamā & one of the crew that did belong to Mr. Mills his shipp, aged about 28 yeares, saith, This deponent saith that he heard Leiftenn^t Charles Glouer ask Mr. Mills to have their differences ended according to their refference in that behalf, but he sd Mr. Mills refused, saying he was doubtfull Captaine Youngs was p^rjudiced against him, he being his arbitrator, and moreouer said he would have it ended at Newhaven; the sd Charles Glouer said y^t was a put off, & then earnestly desired Mr. Mills & hee might come to a faire end, according to their first agreem^t, but Mr. Mills sd he mattered not 200^{li} as long as he could get 500^{li} by it; this discourse was o a Friday in y^e evening at Mr. Moores house.

Simō Steevens.

Taken the 2^d of March, 1660, before mee, With Wells.

For the cleareing of the case, Mr. Wells in court declared that there was a evening when the plaint & defendt & y^e arbitrators mett at Mr. Youngs house, with intent to endeavor y^e ending of the differences between them, w^{ch} were of two sorts, 1. in matter of accounts, 2, about the enlargment of the shipp, at w^{ch} time Mr. Mills said that for the accounts, he thought they might end themselues, wherevpon Mr. Youngs & himself bid them doe what they could, & what they could not doe therein, they would affoord their help, & that then it was [279] agreed there should be a prosecution for issue, || which was to be the next morning, & nō after that he knowes of, but the whole businesse was neuer taken out of y^e arbitrators hand, but the matter of accounts onely, as hath beene said; to the same purpose now spake Captaine Yongue, who wthall added, that that pt concerning the enlargm^t of the shipp it was neuer like to be issued by themselues; concerning the testimony of Tho. Moore senior, Mr. Wells declared there was a

mistake, it was true that Mr. Mills brought his book and accounts to him, but he would not meddle with it being alone, Capt' Youngs said he knew nothing of it, & both said that he neuer came wth his booke & accounts to them together.

The testimony of Edward Cogner was p^rsented.

This deponent saith that vpon a sixt day of the weeke at night, he heard this discourse betwixt James Mills & Charles Glouer, namely that Charles Glouer had been foure or five times to account with Mr. Mills, & at this time had his book vnder his arme & desired him to come to account, yet he did not, but put off the said Charles, so as nothing was done about y^e same in my p^rsence.

Edward Cogner.

Taken vpon oath y^e 10th of Aprill, 1661, before mee,
Witt Wells.

The defendt pleaded that by the bond Mr. Mills was engaged to attend a sudden & speedy issue after his reture frō New-haven, w^{ch} engagem^t he saw not but he had attended to as well as the plaint', if the testimonyes o his part be consid^red, and therefore the plaint did vniustly molest him by arest & imprisonm^t; but the plaint' replied, that the defendt had refused to stand to the arbitratiō, &c., & that there was iust ground for the arrest, as should appeare by these testimonyes following,

The deposition of Rennick Garret, señ, & Abraham Whithar, aged something aboute twenty yeares.

These deponents do testify they did somtimes heare Mr. Mills say, before the shipp was lanchd, that if he could but get the shipp off, & out of the creeke, that he would shew goodmā Glouer a trick.

Taken before mee, John Youngs, February 12, 1660.

The Court having heard the evidence o either side, with the pleas of both plaint' & defendt, declared that by what hath beene said, it doth not appeare but that Mr. Mills hath psued the attendance to his duty, in reference to the bond, as well as the other, (though they see negligence in both,) & that the bond of 200^{li} is not by him forfeited, & so no iust ground for this sute, & doe therefore order that both plaint & defendt do beare their owne charges, the bond to be kept by the secretary.
[280] || John Lum, of Huntingtō, plant', ag^t Barnabas Horton of Southold, defendt, in ā action of the case concerning a

mare, but he findeing himself vnpre^rpared in poynt of testimony, withdrew his action.

Leiftenn^t John Bud, plaint', Charles Glouer, defendt. The plaint' declared ag^t the defendt for a debt of 15^{li}, the defendt granted that happily there might be money due to the plaint', but how it should be 15^{li} he knowes not, he knew there were accounts of 7 or 8 yeares, w^{ch} they had endeavoured to issue but could not, he therefore propounded that two indifferent men at Southold might be chosen to make vp the account, & what the ball shall appeare to be, Captaine John Youngs now engaged with him to satisfy to y^e plaint', who accepted the proposition & engagem^t w^{ch} is (vpon notice given by y^e plaint') to be attended by the defendt.

Sarjeant Rich: Baldwin & John Cowper, attorneys for Mr. James Mills, pl^t, entred an action of debt & damag, to the vallew of 500^{li}, against Charles Glouer of Southold.

Sarjeant Richard Baldwin wth some others of Milford, having attached a bolster, blanket &c, supposed to be y^e estate of Jacobus Loper, now appeared to psecute; who were told that the boy was much indebted to the jurisdiction, w^{ch} must first be paid. Hans Alvers, his master, was asked whether the goods attached was Jacobus his propp estate, who answered that he was to have some bedding with him w^{ch} he was to have the vse of, but whether it would be demanded againe at y^e end of his time, he knew not, haveing lost his indenture which might have cleared the case. After w^{ch} the deputy gouerno^r declared, that there was a sentence formerly past in this court against Jacobus Loper for notorious miscarriages, namely for burning a house wth a considrable quantity of goods for ought appeares, the owners whereof were to be repaired in proportion to y^e damage they should make proof off, wherevpon he hath been kept in prison to this time to see if any would appeare oⁿ his behalf, to satisfy for the wrong done, but nō hath appeared. It was now propounded that if there were any that would be a chapman for Jacobus Loper, that they would take notice y^t the tender is made, after w^{ch} Sarjeant Baldwin declared, that y^e damage sustained by him hath been very great & his fact of a high nature, he

therefore propounded whether y^e court would not adventure a little more vpon him, by sending him to the Barbadoes, [281] which they inclined not vnto, but did order || that Jacobus shall remaine in prison vntill he have received the correction formerly ordered, and that then he be delivered to his master Hans Aluers, who is to convey him out of the jurisdi^cion, the goods before mentioned belonging to Jacobus, to remaine vnder custody vntill the charg of imprisonment be satisfied.

Captaine John Youngs againe appeared to prosecute his action against Richard Smith of Setaucutt, who being called, answered not.

The last will & testament of Mathias Curwin, late of Southold, deceased, was p^rsented, subscribed by John Vnderhill & deposed by Barnabas Hortō, at the court March 5th, 1660, before,
Witt Wells, John Youngs.

The last will & testam^t of Tho. Cooper of Southold, deceased, was p^rsented, deposed by Barnabas Hortō, Charles Glouer, Barnabas Windes senior, before Will. Wells, John Youngs, at a court held the 5th of March, 1660.

An inventory of the estate of Mr. Francis Newman, (the late Hon^r^d Gouvernor of this Colony,) amounting to 480, 02, 07, was p^rsented, & by the widdow of the deceased attested to be a full inventory of her late husbands estate, to the best of her knowledg. Mr. Wakemā, Deacon Miles, John Cooper, vpon oath attested to the vallew y^t it was iust, according to thei^r best light, at a court held at Newhaven y^e 5th of March, 1660, 1661.

An inventory of the estate of Deacon Henry Lindon late of Newhaven, deceased, amounting to 210^{li}, 07^s, 00^½, was p^rsented at a court at Newhaven the 7th May 1661, & by y^e widdow of y^e deceased vpon oath witnessed to containe y^e whole estate of her late husband, to the best of her knowledge. Leifteⁿ^t John Nash, Deacon W^m Peck & James Bishopp attested to the vallew y^t it was iust, according their best light.

An inventory of the estate of John Wakefeid late of New Haven, deceased, amounting to 116^{li}, 03^s, 01^d, was p^rsented, proued in court at Newhaven Decemb. 4th, 1660, & by the

widdow of the deceased then attested to containe y^e whole estate of her late husband, to y^e vallew of 10^s, to y^e best of her knowledg. With Tompson & Roger Allen vpo oath witnessed y^t y^e vallew was iust, according their best light.

An inventory of the estate of Ephraim Penington late of Newhaven, deceased, was p^rsented, amounting to 112, 03, 00, proued in court at Newhaven the 5th of Febr. 1660, & then by the widdow of the deceased attested to containe the whole estate of her late husband, to y^e best of her knowledg. John Cowp & Roger Allen both witnessed vpon oath y^t the vallew was iust, according to their best light.

[282] || An inventory of the estate of Edward Camp late of Newhaven, deceased, was p^rsented, proued in court at Newhaven the first of November 1659, & by y^e widdow of y^e deceased vpon oath attested to containe y^e whole estate of her late husband, to the best of her knowledg. Leiftenn^t John Nash & Abraham Dowlittle attested to y^e vallew, at a court at Newhaven Decembr 4th, 1660.

An inventory of the estate of Edward & Grace Watson late of Newhaven, deceased, amounting to 80^{li}, 03^s, 08^d $\frac{1}{2}$, was p^rsented, proued in court at Newhaven March 5, 60, w^{ch} was by Francis Browne attested to containe y^e whole estate of y^e parties deceased, to the vallew of 5^s, to the best of his knowledg, (an estate formerly appointed to Mary Walker in y^e house & land of her father (vnder some questiō) excepted.) Francis Browne & James Bishopp attested y^t the apprisem^t was iust, according their best light.

An inventory of the estate of John Ouerin late of New Haven, deceased, amounting to ^, at a court at New Haven was presented, attested by Jeremiah Osburne to containe the whole estate of the deceased, to the best of his knowledg. Willm Russell attested that y^e vallew was iust, according to their best light.

A writeing was p^rsented by widdow Pigge, as the will of Robert Pigg her late husband, & by her vpon oath attested to be his last will & testam^t to the best of her knowledg, but being neither sealed nor subscribed by the testator, nor any other as

witnesses, could not be legally proved, but vpo testimony given in at a court at Newhaven Febr. 5. 1660, it was ordered that the estate shall be disposed off as in the writeing is specified, & accordingly vnto the widdow of the deceased was granted power of administracon. Also an inventory of the estate of Robt. Pigg, amounting to 176^{li}, 12^s, 5^d, was p^rsented, w^{ch} by the widdow of the deceased attested to containe the whole estate of her late husband, to the vallew of 10^s, (a peice of serge intended for a coat for herself excepted,) to the best of her knowledg. That y^e vallew was iust was attested by Francis Browne & James Bishopp.

[283] AT A COURT OF ELECTION HELD AT NEWHAUEN FOR
THE JURISDICTION, THE 29th OF MAY, 1661.

Mr. With Leete was chosen Gouvernor.

Mr. Mathew Gilbert was chosen Deputy Gouvernor.

Mr. Benjamine Fenn was chosen Magistrate.

Mr. Robert Treat was chosen Magistrate.

Mr. Jasper Crane was chosen Magistrate.

Who all tooke the oath proper to their place, but Mr. Fenn with this explanation, (before the oath was administred,) that he would take the oath to act in his place, according to the lawes of this Jurisdiction, but in case any business from without should p^rsent, he conceived that he should give no offence if he did not attend to it, who desired that it might be so vnderstood.

Mr. John Wakeman & Withm Gibbard were also chosen Magistrates, but neither of them tooke the oath.*

The Gouvernor & Mr. Fenn were chosen Comissioners. Mr. Treat the third in the choyce, to supplie, if God by his providence should hinder either of the other.

* They had both repeatedly declined being considered candidates when nominated by the town.—N. H. Town Rec. ii. 337, 340. Through apprehension of a change of government, and of dangers which began seriously to threaten the colony from all sides, there appears to have been great reluctance to accept office this year.

Roger Allen was chosen Treasurer.
 James Bishopp was chosen Secretary.
 Tho: Kimberly was chosen Marshall.

All for the yeare ensuing.

[This is the last entry made by William Gibbard, and what follows is in the hand writing of James Bishop.]

AT A GENERALL COURT HELD ATT NEWHAUEN FOR THE JURIS-
 DICTION, THE 29th OF MAY, 1661.

The Deputies presented there certificates which were ap-
 prooued, all for the yeare ensueinge except New Hauen, which
 were only for the present sitting this court.

There was p^rsent,

Deputies.

The Gouvern ^r ,	Leiftenn ^t Nash,	} New Hauen.
	John Cooper,	
Deputy Gouvern ^r ,	John Fletcher,	} Milford.
	Thomas Welch,	
Mr. Fenne, }	Mr. Robert Kitchell,	} Guilford.
Mr. Treat, }	John Fowler,	
Mr. Crane, }	Richard Law,	} Stamford.
	Francis Bell,	
	Barnabas Horton,	} Southold.
	With Purrier,	
	Leiftenn ^t Swaine,	} Branford.
	Lawrence Ward,	

A writing of John Benhams, which he brought from Guil-
 ford, was presented and reade to the court, with a petition of
 his owne by way of acknowledgment of his euill and desireing
 (forgivenes) of the court, being his first offence, hopeing it
 should be a warninge to him euer after. The court was will-
 ing to accept his acknowledgement, provided that they heard
 not further against him. Vpon this, the court saw cause to
 declare as followeth, viz,

That whereas we haue bene occasioned (vpon some reports
 of griuance from sundry non-freemen, that just priuiledges

and liberties are denied them, which they apprehend is allowed them by our first fundamentall law,) to take the matter [234] into consideration, || and vpon a serious review of things of this nature, and of our law, wee doe see cause to declare vnto all godly and peaceable inhabitants in this colony, that we are greiued to heare of some vncomfortable manner of acting by such vnsatisfied persons, in a seeming factious, if not seditious, manner, which we wish that all, (whoe would not be looked vpon as disturbers of our peace, and troublers of our Israell,) to be warned from after appearings in such wise, and wee hope they shall haue noe cause to complaine of any injury by our withholding of just rights, priuiledges or liberties, from any to whom they belong, soe as to hurt the promotion of our cheife ends and interests, professed and pretended by all at our comeing, combineing and settling in New England, as by the Articles of Confederation & otherwise may be made to appeare, which must ingage vs to seeke, secure & advance the same by law, and from which we cañot be perswaded to diuert, soe as to comitt our more weighty ciuill or military trusts into the hands of either a crafty Achitophell, or a bloody Joab, as some abusiue medlers doe seeme to hint vnto vs, in a paper we met withall, though such should seeme to be better accomplished wth either naturall or acquired abilities about those that are as well lawfull as intitled freemen, whose earnest desire is, that all planters would make it their serious endeauour to come in by the doore to enjoy all priuiledges & beare all burdens equall wth themselues, according to our foundation settlements & vniuersally professed ends, and y^t there may be noe disorderly or vncomely attempts to climbe vp another way, or to discourage the hearts or weaken y^e hands of such as yet beare the burden of the day in publique trusts, which wilbe afflicting and hurtfull to the ends aforesayd.

The Court taking (the law about distribution of y^e estates of those that dy intestate and leaue more children then one,) into consideration, because sometimes there is left a weake widdow, and sometimes a company of weake & small children, & soe thereby many difficulties doe attend, the court

therefore did order, that as it is in y^e printed law, where there is a widdow & but one child, that one third part of the estate is left to y^e discretion of y^e court to dispose of, by diuiding it betwixt y^e widdow & child. soe now in this case, betwixt the widdow & children, as they shall see cause, onely reseruing liberty of appeales, according to the printed law.

The Court considering of an order formerly made for the recording of y^e jurisdiction accounts in a booke for y^t purpose, did now order that this should yearely be done, in such forme & latitude as the deputies of y^e generall court that yeare shall accept of, and the sume of y^e accounts, what is left in credit or debt vpon the ballance, and in whose hands it is, and in what, with a record of the jurisdiction, what it is and where it is.

It was now ordered y^t all sheepe of a yeare old or aboue, be rated but at ten shillings apeice, till further order be giuen.

Concerning y^e custome for wine & strong liquors, the deputies for Milford was desired to let it out to Ensigne Bryan for the yeare ensueing, for 13^{li} in currant country pay and 3^{li} in siluer, if they could get it, but if not, it was to be gathered vp by the persons that formerly did it in every plantation, for the benefitt of the jurisdiction.

It was alsoe ordered that fifty pound be payd to y^e gouern^r, and fiftene pound to the deputy gouern^r for y^e yeare ensueinge.

[285] || Mr. John Wakeman propounded to the court concerning the late gouern^r's sallary, (he being deceased,) how much they would allow of it to be payd, and it was vnanimously concluded to allow halfe the yeares sallary, and alsoe that y^e charges of his funerall bee borne by y^e jurisdiction, as Gouern^r Eatons was.

Richard Lawes and Francis Bell was chosen deputies for Stamford, to keepe court quarterly, except vpon extraordinary occasion, to try any case not exceeding the value of 12^{li}, & to lay a fine not aboue 40 shillings, taking in with them some others as deputies with the consent of y^e freemen, & both these tooke oath for the faithfull discharge of their trust committed to them, according to the best of there ability, for

the preserving of the peace of y^e jurisdiction, & for administering of justice in cases presented.

The Court tooke seriously y^e case of Southold into debate, & considering that y^e election for magistrates for them did not hold, they thought something was very necessary to be done for them, and at last issued & concluded by a full v^ote, that seeing Mr. W^m Wells and Cap^t. John Young was sent in nomination for magistrates by the major vote of there freemen, the court therefore thought they judged them fittest for cheife office among them, but the court propounding y^e same to them, found them very vnwilling to accept of any further trust, yet notwithstanding, after much debate, the importunity of y^e court, together wth the necessity of vpholding some power for y^e good of Southold, was considered by them, they submitted themselues to y^e courts desire, & therevpon the court did impower these two as co^mmissioners, with three other which the freemen should choose & appoint, to keepe court for the yeare ensueinge, once a quarter or oftener vpon extraordinary occasions, to try any case not exceeding twelue pounds, & to lay a fine not exceeding 40 shillings; but the power of calling and regulating these courts to be in the hands of these two, or one of them if the other be absent, & then to call in another with the consent of the freemen, to supply his absence, but if both these be absent, there shalbe noe such power to keepe any such courts. Mr. W^m Wells now tooke oath, & had power to administer the oath to y^e rest, and likewise they was hereby jnvested with all such other office power as hath bene at any time heretofore giuen to Southold deputies in euery respect.

Some queries put by some of Southold to court.

First, concerning Thomas Moore, whoe haueing bene bound ouer by y^e marshall to appeare at y^e court at Newhauen, which he hath refused. The court answered & agreed y^t the afore-sayd Thomas Moore should be bound ouer in a band of 100^{li} to appeare at New Hauen, at the court of magistrates in Octob. next, to answer his contempt, if full prooffe of his satisfaction be not before giuen to y^e court.

2 que.: was concerning such y^t refuse to bring in an account of there estates according to order. The court declared y^t a

due estimate of there estate be taken by some intrusted for y^t purpose, as neare as may be, & given in, & they bound ouer to answer for their contempt at y^e court of Magistrates at New Hauen.

3 q^r., propounded concerning a dru^mer, whether they might not choose such a one as was not a freeman, & chose by the generall vote of y^e company. The court answered because of there present necessity & his fitnes, they allowed John Paine to be dru^mer whom they nominated.

The Court alsoe haueing sundry complaints brought to them about y^e military affaires of Southold, & there armes & a^munition being defectiue sundry wayes, did giue them to vnderstand that they tooke notice of them, & did giue serious aduise that there be an effectuall amendment of these things, that there [286] may be due incouragement || giuen to those that are in cheife military trust among them, else if this court shall heare further complaints, they shall sharply witnes against them.

Leiftenn^t Charls Glouer is allowed by this court to be leiftenn^t for Southold military company, as chosen by y^e free-men thereof.

There was sundry propositions presented by Mr. Pecke, schoolemaster, to this court, as followeth;

First, that the master shalbe assisted with y^e power & counsell of any of the honoured magistrates or reuerend elders, as he finds need or y^e case may require. 2. That Rectores Scholæ be now appointed & established. 3. What is y^t the jurisdiction expects from y^e master, whether any thing besides instruction in the languiges and oratory. 4. That two indifferent men be appointed to proue & send to y^e master such schollars as be fitted for his tuition. 5. That two men be appointed to take care of the schoole, to repaire & suply necessaries as y^e case may require. 6. Whether the master shall haue liberty to be at neighbours meetings once euery weeke. 7. Whether it may not be permitted that y^e schoole may begin but at eight of y^e clocke all y^e winter halfe yeare. 8. That y^e master shall haue liberty to vse any bookes that doe or shall belong to y^e schoole. 9. That y^e master shall haue liberty to receiue into and instruct in y^e schoole schollars sent from other places out of this jurisdiction, and y^t he shall receiue the benefit of them, ouer & aboue what y^e jurisdiction doth pay him. 10. That the master may haue a settled habitation, not at his owne

charge. 11. That he shall haue a weekes vacation in y^e yeare to improoue as the case may require. 12. That his person and estate shalbe rate free in euery plantation of this jurisdiction. 13. That halfe the yeares payment shall be made to, and accounts cleared with y^e master within the compasses of euery halfe yeare. 14. That 40^{li}, alias fourty pounds, per annum, be payd to the schoolemaster by the jurisdiction treasurer, and that 10^{li}, alias ten pounds, per annum be payed to him by New Hauen treasurer. 15. That y^e major part of the foresayd payments shall be made to y^e schoole master in these particulars as followeth, viz., 30 bush: of wheate, 2 barrills of porke & 2 barrills of beefe, 40 bush: of Indian corne, 30 bush: of pease, 2 firkins of butter, 100^{lb} of flax, 30 bush: of oates. *Lastly*, That the honoured court would be pleased to consider of and settle these things this court time, and to confirme y^e consequent of them, the want of which things, especially some of them, doth hold the master vnder discouragement and vnsettlement; yet these things being suitably considered & confirmed, if it please the honoured court further to improue him who at present is schoole master, although vnworthy of any such respect, and weake for such a worke, yet his reall intention is to giue vp himselfe to the worke of a grauer schoole, as it shall please God to giue opportunity & assistance.

The Court considering of these things, did graunt as followeth, viz, to y^e second, they did desire & appoint M^r. John Davenport, sen^r, M^r. Streete & M^r. Pearson to take y^e care & trust vpon them; to the third, they declared that besides y^t which he exprest, they expected he should teach them to write soe far as was necessary to his worke; to the fourth, they declared that they left it to those before mentioned; to the eight, they declared that he should haue the vse of those bookes, provided a list of them be taken; and the nineth they left to y^e comittees for y^e schoole; and the rest they graunted in generall, except the porke & butter, & for that, they did order that he should haue one barrill of porke & one firkin of butter provided by the jurisdiction treasurer, though it be with some losse to the jurisdiction, & that he should haue wheate for y^e other barrill of porke. This being done, M^r. Pecke seemed to be very well satisfied.

There was something propounded about the engrauing of Gouern^r Eatons tombe, which was agreed to be left to y^e

Gouernr, Deputy Gouernr and New Hauen court, with the aduise of the elders of New Hauen.

It was alsoe ordered that a comitte be chosen by this court for the treating with & issuing of any seeming differance betwixt Conecticot Colony and this, in reference to the diuiding bounds betwixt them, and of some seeming right to this jurisdiction, which they pretend in a letter sent to this Gen^l Court,* which being read, the court considering, did [287] nominate & conclude of the Gouernr, Deputy Gouernr || and all the magistrates, with Mr. John Davenport senr, George

* At a General Court for the town of New Haven, April 23d, 1660, "The gouernor desired that the bounds of a poell of land towards Conecticote might be sett out, for the pvention of future differences that might otherwise arise betwixt vs, w^{ch} motion was approued, and thereupon it was ordered y^t Mr. Yale, W^m Andrewes, John Cowper, John Brackitt, Nathaniel Merriman, wth the help of Mantowees, an Indian, y^e late pprieto^r, shall set out the bounds wth lasting markes, w^{ch} is to be done wth the first convenience."—N. H. Town Rec. ii. 816.

The setting of these bounds occasioned the following letter, which, in the handwriting of Daniel Clarke, Secretary, is found among the State Records at Hartford. Foreign Correspondence, ii. Doc. 4. a

Honor^d Gent: This Court haueing receaued information, not only by what appeares in one of yo^r Lawes respect: the purchase of land from y^e Indians, wherin there is a seeming challenge of very large intrests of lands, and likewise by what intelligence we haue had of yo^r stretching yo^r bounds vp towards vs, by markeing trees on this side Pilgroomes Harbour, wch things, as y^e intrench vpon o^r intrest, soe they are not satisfying or contentful, nor doe we apphend it a course furthering or strengthening y^t freindly correspondency that we desire, and ought to be ppetuated twixt neighbours and confederates; espetially in that we conceaue you cannot be ignorant of our real and true right to those parts of y^e countrey where you are seated, both by conquest, purchase and possession; and tho: hitherto we haue bin silent, and altogether forborne to make any absolute challenge to o^r owne, as before, yet now we see a necessitie at least to reuiue y^e memoriall of o^r rite and intrest, and therefore doe desire that there may [be] a cessation of further proceed. in this nature, vntil, vpon mature consideration, there may be a determinate settlement and mutuall concurrence twixt y^eselues and this collonie, in reference to y^e deuiding bounds twixt the two colonies. It is further desired and request^d by vs, that if there [be] any thing extant on record w^h you y^t may further y^e [de]ciding this matter, that it may be produced, and that there may be a time and place appointed, where some deputed for y^t end, furnished w^h ful power, may meet, y^t [so a] loving issue may be effect^d to prevent furth[er] tro[un]bles. And in case there be noe record of grant or allowance from this collony, respecting the surrend^r, not only of lands possessed by you and improued, but alsoe such lands as it seemes to vs that you, vnd^r some p^tended or assumed right, haue induced by yo^r bounds w^hin yo^r liberties, that you would be pleased to consid^r on some speedy course, wherby a compliance and condescendency to what is necessary and convenient for yo^r future comfote may be obtained from vs, the true proprietors of these parts of countrey. We desire yo^r returne to o^r Gen^l Court, in reference to o^r proposit^s, with what convenient speed may be, y^t soe what is desired by vs in point of mutuall and neighbourly correspondenc, according to y^e rules of justice and rightousnes, may be still maintained and continued.

Hubbard and Leiutenn^t John Nash, as a comitte^e for this busines, whom they impowered to giue an answer to theire letter, & to treate with & conclude of, soe farre as they should see cause, with any whom they should appoint for this busines; and there was an answer drawne vp & sent, signifying soe much to them.

Mr. Robert Treate was allowed captaine for Milford by this Gen^l Court, as desired & chosen by the freemen thereof.

There was certificates presented from the seuerall plantations concer[ni]ng view of armes, according to order, & the sufficiencie of there armes and amunition & towne stocke, which seemes to be in a competent measure sufficient, except Southold, which was witnessed against.

It was ordered that a rate of 150^l shalbe leuied vpon the seuerall plantations & pprietours of Pagausett, according to there proportions, to be payed at such times, & in such pay, & at such prizes as was ordered the last yeare, which is thus pportioned.

New Haven,	051	05	03
Milford,	033	01	02
Guilford,	021	06	03
Stamford,	020	06	00
Southold,	012	17	10
Brandford,	009	17	04
Paugausett,	001	06	02
	150	00	00

THE REMAINDER OF Y^e COURT OF MAGISTRATES WHICH BEGAN
MAY 27th, 1661.

There was present, y^e Gouvern^r, Deputy Gouvern^r, Mr. Fefe, Mr. Treate, & Mr. Crane.

With Pepper was called before y^e court & examined of sundry gross facts of theft, & for breaking prison, he haueing sundry things found in his hands, both att Guilford & at Seabrooke, where he was last taken, as siluer & wampom, tobacco, holland, apparell, a pistol, shooes & deare skins, &c.

It being asked him where he had these things, there was

6^{li}, 8^s, 9^d in siluer he confest he tooke out of Mr. Rotherfords vessell in Newhauen harbour, except one shilling, & the wampon he sayd he had some of it at Conecticut & some at Boaston, & the tobacco he sayd he bought of John Story of Flushin, & 18 yards $\frac{3}{4}$ of holland he sayd he tooke out of Mr. Wethrills vessell, & the pistoll out of goodm̄ Clarkes shop at Guilford, & some shooes he sayd of Peter Desbrow at Greenwich, & the deare skins & one pound of powder from Humphry Spinninge, & sundry other things he had, which he sayd he had some in one place & some in another, but was found very false in sundry things, that at last the gouern^r told him y^t he was a notorious theife, & had gone on in a way of theft long, & that after he was prisoner at New Haven he broke prison & got off his locke & the same night went aboard Mr. Rotherfords vessell & tooke y^t siluer that was in a crosse place & seuerall other things, & whereuer he came he did mischeife, euen to those that shewed him kindnes, & after he was last taken at Seabrooke hee wounded the mans seruante where he was taken; for these things &c, it was told him he was not fit to liue in any place with any godly people, & that he was neare the gallowes as an incorrigible person.

The Court therefore considering his seuerall euills & wrongs done to sundry, as appeared by his owne confession & prooffe, and his mischeife done at Seabrooke, did by way of sentence declare, that those persons they had knowledge of from whom he had stole should haue there owne goods againe towards there satisfaction, and that he be seuerely whipt, for a warning both to himselfe & others of falling into such like courses, & for other charges which are or may come, that he be sold for a fine of ten pounds to be payed to the jurisdiction, & that he be kept in prison till he be thus disposed of.

Richard Baldwin of Milford & John Cooper of Newhauen, plaint^r, in the behalfe of Mr. James Mills, entred an action of y^e case against Leiftenn^t Charls Glouer of Southold defendant, for vnjust molestation & false imprisonment of Mr. James Mills, to his damage & discredit.

The Gouern^r demanded of y^e pt^r., how was his false imprisonment. They answered, for sueing the band which Charls

[288] Glouer had noe cause. It was demaunded || of y^e pt: concerning there lett^r of atturnie, which being deliuered to y^e court was accepted. The gouern^r asked them to what damage they extended there action; plaint' answered, besides his foure-teene dayes imprisonment or vnder custody, his men was much hindered thereby. The go^r told them, if he got bayle hee needed not. Defend^t desired them to prooue there vnjust molestation; plaint' left it to the court, & the go^r answered y^t they see noe cause there should haue bene such pceeding against Mr. Mills by Charls Glouer. Plaint' pleaded damage, being a marchant, & that it was much indignity to such a one to be vnder an arrest, & left it to y^e courts consideration; defend't answered, he had his liberty to goe about his worke, & testified by the marshall of Southold that he might haue had his liberty if he would haue giuen in security, & that he did goe to Northampton in this time; the plaint' answered, but he was vnder an arrest & at there comānd for y^e time.

The Court considering the case as an vnjust molestation, & soe a damage in reference to his credit thereby being vnder an arrest, did by way of sentence declare, that L: Charls Glouer doe pay to Mr. James Mills fifty shillings, alsoe the charges of y^e action.

Cap^t. Nathaniell Siluester being bound ouer to this court to make his appearance, was called three times by y^e marshall, but answered not nor appeared.

Cap^t. John Young, plaintiffe, entred an action of slaunder against John Bud sen^r, defend^t, both of Southold, & there vpon the plaint' jnformed y^t John Bud sen^r came into court at Southold & sayd we was very strict against Quakers, but we could suffer whoring & drinking, or drunkennes.

Defend't desired him to prooue it, vpon which Mr. W^m Wells sayd, it was to all the court, therefore euery one tooke it particularly to himselfe.

The plaint' alsoe informed against y^e defend^t that he had seuerall times charged him with lieing when he was told he tended to disturbe the peace.

Defend^t answered to y^e first charge, Sir, I haue acknowledged them to be hasty words, & that y^e words were whoring,

tipling, & wantones, & for y^e second charge he sayd he was brought into y^e church about it & gaue satisfaction to those that was there, & that for three quarters of a yeare after this he had comunion wth them at the Lords table. Mr. Wells informed that they vsed meanes to reclaime him in another way by his soñe to pswade him to come & make his acknowledgement of his euill. Defend^t replied, You dealt with mee as a rogue, binding me ouer to appeare in a bond of 100^{li}, but afterwards the defend^t acknowledged the words charged was spoken by him, & that they was euill words & such as passed from him in his hast & distemper, & therefore sayd he had acknowledged that he had cast a reproach vpon them, because he had not brought any thing legally against any of them, therefore acknowledged that he had slaundered them all & confest his euill therein. Mr. Wells seeing John Bud something pliable, & not willing to bring further trouble on him as he exprest, ppounded to him that in one of his writings he had sayd y^t he was a wretched man & had undone him in body or soule, or both. There was much sayd to John Bud by the court to conuince him of his euill. Mr. Wells sayd this was spoken at court & not priuately. Defend^t answered, as the Lord sets it vpon my heart, I shall acknowledge it. Mr. Treaté counselled him to petition to his impleaders for mercy in a free acknowledging of his euill. L: Charls Glouer desired to ppound two things to John Bud, expressing that it was not his mony y^t they desired; & y^e *first* was y^t John Bud comēing into y^e court sayd that he had taken away his place from him; & *secondly*, that he went about to take away his head. John Bud answered he knew noe such thing, but it was prooued by the marshall of Southold, then afterwards John Bud owned his first speech as an euill speech, & y^t L: Glouer neuer sought his place nor was capable of it; then Mr. Treaté aduised John Bud to giue all incouragement to y^e souldjers to attend to their present officer; then John Bud acknowledged the euill of the second speech & sayd he was sorry for it. After this (was read to the court) an oath of L: Charls Glouer concerning some speeches of John Bud sen^r in the behalfe of the Quakers, which is as followeth,

The deposition of L: Charls Glouer.

This deponent sayth y^t being occasionally at y^e house of Leiftenn^t John Buds, & there haueing some discourse vpon some points of religion, & that the Quakers came in amongst other sectes that are now abroach in the world, of which this [289] abouesayd John Bud did soe highly comend of as || saying that they were the honestest and most godly people that were now in the world, and did vse many expressions by way of great dislike of the pceedings of all the gouernments in this country against them, and that they would one day haue cause to repent thereof, and further did aske me this deponent, why they might not haue there liberty here as well as in other countries, saying they were not the like abused noe where, where they came, as they were here, vnto which my answer was to him that you doe much mistake yourselfe, and I am sorry to heare what you say, vnto which with many other words of reply, sayd they were such a people that he could wish he was worthy to lay downe his life for them, and would if he were calld to it, and though much more might be sayd, yet further this deponent sayth not.

Taken vpon oath in open court att Southold y^e 20th of July, 1660.

Clause, a Dutchman, owned he was present in the sayd John Buds house when the discourse abouesayd was vented by him, & sayd he vnderstood the cheife part thereof, but not vnderstanding fully, his oath was spared, this testified Mr. W^m Wells.

Now vpon this, John Bud charged L. Cha: Glouer to be a false fellow for taking an oath against him, which much vnsatisfied L. Cha: Glouer.

The Gouernor told John Bud that he judges all the gouernments for y^e sake of the Quakers & that he was a Quaker in heart and affection, and among y^e generation spoken of in Jude, that speake euill of dignities, & that the plaint^r would prooue against him to fauour the Quakers. Cap^t Jo: Young sayd it would be prooued that y^e Quakers preached in his house, both men and women. John Bud sayd it was without his consent. The gouern^r asked him if he acknowledged his euill about the Quakers. Jo: Young sayd he heard him comend them. Jo: Bud sayd they held forth Christ in there speeches; that in appeared by these things (it was told him)

he carried too friendly to the Quakers. J^r acknowledged his speech that he spake against taking an oath against him, to be very euill, and noe ground to speake soe of him.

The Court considering the case betweene Cap and John Bud sen^r, the charges being acknow defend^t & sundry other euills discouered by him by way of sentence declare, that John Buds ca things hath bene very bad, and in reference to t court declared that he had greatly slaundered & to such a degree, if only in reference to his he shewed his moderation to the court, they haue more severely witnessed against it, but l his acknowledgment of his euill, they did adjuce to y^e plaint' but ten pounds and the charges, and for his other miscarriages, in his troublesor Southold, & soe much testified here, & in his s the Quakers, wherein its to be feared he hath sion on the governments, they did sentence hi pounds as a fine to the jurisdiction, and left a ing with him that he be not found in any such telling him if he was, it would be much hea then at this time; and for the busines about M left it with him seriously to consider of and mak

John Bud answered that as things was pres not how the court could doe lesse.

John Herdman (haueing presented a petitio for an abatement of a former fine layed vpon h but the court told him they could not see at p abate it without too slender passing by of wick they could see there was a reall change in him. and Ensig' Bryan testified something of his bet as they had heard, and Mr. Osborne. Now tl these testimonies considered to forbear the fi testimony.

Edward Parker desired it might be tooke n court that whereas it was reported that he l Palmer that he saw the gentlemen here three d

messengers came, Mr. Crane and goodm̄ Tod testified that they heard John Palmer say that he neuer heard Edward Parker say any such thing.

L: Jn^o Nash was appointed a trustee (for y^e credito^{rs} to Mr. Goodyea^{rs} estate,) in the stead of Mr. Jn^o Wakeman, he being to remoue & desireing it.

[290] || Mr. Osborne, clearke of the jron workes, was licensed to draw wine and strong liquors for the workemen by this court till they see cause to repeale it.

It was agreed that Mr. John Davenport jun^r should haue ten shillings allowed him by the defend't for charges about the horse tried in the begiñing of this court, except he see cause to remitt it.

Mr. Goodenhouse ppounded that the attachment graunted him by the court of magistrates Decemb. 11th, 1660, on Mr. Euance his house & accomodations, might extend, as to the principle, soe to the rent and pduce of it.

W^m Andrewes sen^r desired to joine wth him in this attachment (in the behalfe of his sonne W^m, which was seruant in the ship,) to the valew of 30^{li} as he sayth.

John Cooper informed that there was 30^{li} out of this house ingaged to Mr. Hodshon in the behalfe of Mr. Stendam, but that was referred to the records.

Concerning Mr. Goodenhouse it was declared as followeth, viz, whereas the estate of Mr. John Euance hath bene layd vnder an attachment by Mr. Goodenhouse, that is, his houses accomodations and all appurtenances therein, at the suite of Mr. Goodenhouse, vpon an account of a ship called the Susan in partnership & gargo & for factorige and wages, now for this he appear'd & pduced these testimonies to make prooffe of the proportion of his interests to a quarter & 24th part in the sayd ship and gargo, together with an account for factorige and wages both for himselfe and his sonne vnder Mr. Euance his hand, and pleaded that Mr. Euance had receiued 1500^{li} sterling for composition from the Portugall embassadour, all which parts of ship and gargo, factorige and wages, doe amount to 329^{li}, 5^s, as he saith, but noe sufficient prooffe yet appearing to the courts satisfaction, of Mr. Euance his soe

receiuing, the court therefore saw cause to referre the matter to a further clearing. The testimonies was these,

Ensigne Bryan saith he apprehended by Mr. Euance speaking of the losse of the vessell betweene them, that Mr. Goodenhouse he had the greatest losse, but what part or share he had in the ship I know not.

Taken vpon oath in court at New Hauen, June 1st '61.

Soe attests Wiłm Leete, Gouvern^r.

June 1st, 1661, at Newhauen.

Philip Leeke, aged about fifty yeares, testifies vpon oath the day and yeare abouewritten, before me Rob^t Treatate at New Hauen, as followeth, that I haue heard Mr. John Euance, marchant, late of Newhauen, say that he had sold to Mr. Samuëll Vangoodenhouse of Newhauen aforesayd, one quarter part of the ship Shusan; and moreouer, I haue heard the sayd Mr. John Euance, march^t, say that he was a great deale in the sayd Mr. Vangoodenhouse debt, after that he had soe bought the part of the sayd ship, and to my best remembrance, I the sayd deponent haue also heard Mr. Euance say that he sold that part of the sayd ship for threescore pounds to Mr. Vangoodenhouse, & further not.

Robert Treatate.

Mr^s. Goodyeare testifieth that shee knowes that Mr. Samuëll Vangoodenhouse had a part in the ship called the Susan before he bought the 24th part of Mr. Goodyeare, which alsoe shee testifies that he did buy of him, and was hers before shee married Mr. Goodyeare, and further she sayth not.

Margret Goodyeare.

Taken vpon oath this 3^d of June 1661, before me,

Wiłm Leete, Gouvern^r.

[291] || A bill of debt from Isaacke Allerton sen^r vnto Edward Batter of Salem, with a letter of atturnie given by the aforesayd Edward Batter to Richard Raymond for the recouering the sayd debt, which being attested was by this court accepted to come in with other debts vpon Isaacke Allerton sen^r his estate.

An inventory of the estate of Wiłm Chittenden of Guilford, deceased, was presented, amounting to 677^{li}, 16^s, 07^d, as presented & prooued in court at Guilford the 21th of February 1660, vpon oath by Joane Chittenden, the widdow & relict of the sayd Wiłm Chittenden deceased, for the quantity, and

by the testimony of Abraham Crittenden sen^r, John Fowler & Withm Stone apprisors, for the valuation to be just.

Withm Leete, Gouvern^r.

An inventory of the estate of Thomas Vffit sen^r deceased, was presented, soe much of it as remained within the bounds of Milford and Stratford, amounting to 289^{li}, 12^s, 07^d, presented in court at Milford, the 6th of Decem: 1660, and attested vpon oath by Thomas Vffit jun^r & John Vffitt, that this is a true inventory of the wholle estate of Thomas Vffit, deceased, within those limits aforesayd, to the best of their knowledge, & that the valuation is just, testified by Alexander Bryan & Thomas Wheeler, to the best of there light to that part of the estate about Milford, & testified by John Herd and Henry Wakeling of Stratford that the valuation of that part of the estate about Stratford was just, to the best of there light; this was approoued alsoe in court at Milford, as before, testified by,

George Clarke, Secre:

[292] ATT A GENERALL COURT HELD ATT NEW HAUEN FOR
THE JURISDICTION, AUGUST 1st 1661.

PRESENT,

The Gouvern^r,

Deputy Gouvern^r,

Mr. Ben: Fenne,

Mr. Rob^t Treate,

Mr. Jasper Crane,

} *Magistrates.*

Deputies.

John Cooper,

James Bishop.

John Fletcher,

Thomas Welch.

Mr. Rob^t Kitchill,

George Hubbard.

Richard Law.

Leiftenn^t Swaine,

Laurence Ward.

The Gouvern^r informed the court of the occasion of calling them together at this time, & among the rest the maine thing insisted vpon was to consider what application to make to the king in the case we now stood, being like to be rendered worse to the king then the other colonies, they seeing it an incumbant duty soe to doe. The gouern^r informed alsoe the

court that he had received a letter from the counsell in y^e Bay, which was read,* wherein was intimated of sundry com-

* Secretary Rawson to Governor Leete.

Honoured Sir, The council of our jurisdiction being assembled the 4th instant at Boston, ordered me to signify to you what lately they have received from England by Captain Leverett his letter, bearing date 12th Aprill, 1661, who tells us that however our addressee to his majesty came seasonably and had a gracious answer, yett many complaints and claims are multiplied against us, and that wee are like to heare from his majestys committee what those complaints are, and what is expected from us; that an oath was produced against him for saying that rather then wee should or would admitt of appeales here, wee would or should sell the country to the Spaniards; which though he absolutely denied that ever he so said, and that if he should have so said he had wronged the country very much, some of the said committee said the words if spoken they were pardoned, but they looked at the words not so much as the spirit of the country, and tho' againe he desired that the country might not suffer, in their minds, for what he knew was so much and so farre from them, as to thinke ought in any such respect, yet one of them proceeded to question him, whether if wee durst wee would not cast off our allegiance and subjection to his Majesty; he answered, he did apprehend wee were honest men and had declared in our application to his majesty the contrary, and therefore could not have such thoughts of us without the breach of charity; that it is no lesse than necessary we had some able person to appeare for us, well furnished to carry on our busines, which will not be without money; that the counsell for plantations demanded of him whether wee had proclaimed the King and whether there was not much opposition to the agreeing of our application. He answered he knew not, only had heard Capt. Breaden say so, but humbly submitted to their consideration, that neither wee nor any other were to be concluded by debates but by our conclusions, which were sent and presented to his Majesty in our names. They tooke notice, from enquiry, that it was only from one colony, namely, Massachusetts, and have their considerations of the other colonies neglected, to speake most favourably thereof. Thus far as to the letter. Further I am required to signify to you as from them, that the non attendance with dilligence to execute the kings majestys warrant for the apprehending of Colonel Whaley and Goffe will much hazard the present state of these colonies and your owne particularly, if not some of your persons, which is not a little afflictive to them. And that in their understanding there remains no way to expiate the offence and preserve yourselves from the danger and hazard but by apprehending the said persons, who as wee are informed are yett remaining in the colony and not above a fortnight since were seen there, all which will be against you. Sir, your owne welfare, the welfare of your neighbours, bespeake your unwearied paines to free yourselfe and neighbours. I shall not add, having so lately by a few lines from our governour and myselfe looking much this way communicated our sence and thoughts of your and our troubles, and have as yett received no return, but commend you to God and his rich grace, for your guidance and direction in a matter of such moment, as his Majesty may receive full and just satisfaction, the mouths of all opposers stopped and the profession of the truth that is in you and us may not in the least suffer by your actings is the prayer of

Sir, your assured loving friend,

Boston, 4th July, 1661.

Edward Rawson, Secretary,

In the name and by order of the councill.

Sir, Since what I wrote, news and certaine intelligence is come hither of the two colonells being at New Haven from Saturday to Monday and publicly knowne, and however it is given out that they came to surrender themselves and pretended by Mr.

plaints in England made against New England, and that the committee in England tooke notice of the neglect of the other colonies in there nonaplication to the king.

Now the court, taking the matter into serious consideration, after much debate & aduise, concluded that this writing should be sent to the counsell in the Bay, the coppie whereof is as followeth,

Honrd Gent.

Yours dated the 4th of July (61,) wth a postscript of the 15th, we receiued July 30th, which was communicated to our gen^{ll} court August 1st, whoe considered what you please to relate of those complaints made against New England & of what spirit they are represented to bee of, vpon occasion of that false reporte against Capt. Leueret, who we beleuee to haue more wisdome & honesty then soe to reporte, and we are assured that New England is not of that spirit. And as for the other colonies neglect in non-aplication with yourselues to his majesty the last yeare, it hath not bene forborne vpon any such account, as we for our parts p^fesse, and beleuee for our neighbours, but only in such new & vnaccustomed matters wee were in the darke to hit it in way of agreem^t as to a forme satisfactory that might be acceptable; but since that of your colony hath come to our vei^w, it is much to our content, and we solemnely p^fesse from our hearts to owne and say the same to his majesty, and doe ingage to him full subjection and allegiance with yourselues accordingly, with p^fession of the same ends in comⁱng with like permission and combineing with

Gilbert that he looked when they would have come in and delivered up themselves, never setting a guard about the house nor endeavouring to secure them, but when it was too late to send to Totocut, &c. Sir, how this will be taken is not difficult to imagine, to be sure not well; nay, will not all men condemn you as wanting to yourselves, and that you have something to rely on, at least that you hope will answer your ends? I am not willing to meddle with your hopes, but if it be a duty to obey such lawfull warrants, as I believe it is, the neglect thereof will prove uncomfortable. Pardon me, sir, its my desire you may regain^e your peace (and if you please to give mee notice when you will send the two colonells) tho' Mr. Wood Greene is bound hence within a month, yet if you shall give me assurance of their coming I shall not only endeavour but doe hereby engage to cause his stay a fortnight, nay 3 weekes, rather than they should not be sent, expecting your answer, remaine,

Sir, your assured loving friend and servant,

Edward Rawson.

Hutch. Coll. 338.

yourselues & the other neighbour colonies, as by the preface of our articles may appeare; vpon which grounds we both supplicate and hope to find a like ptection, priuillidge, imunities & fauours from his royall majestie. And as for that you note of our not soe dilligent attendance to his majesties warrant, wee haue giuen you an account of before, that it was not done out of any mind to slight or disowne his majesties authourity, &c. in the least, nor out of fauour to y^e Collonells, nor did it hinder the efect of their apprehending, they being gone before [293] the warrant || came into our colony, as is since fully prooued; but only there was a gainesaying of the gent: earnestnes, who retarded their owne busines to waite vpon ours wthout comission; and alsoe out of scruple of conscience, & feare of vnfaithfulnes to our people, (who comitted all our authourity to vs vnder oath,) by owneing a generall gouernr, vnto whom the warrant was directed, as such implicitly, and that vpon misinformation to his majestie giuen, though other magistrates were mentioned, yet (as some thought) it was in or vnder him, which ouersight (if soe it shalbe apprehende) we hope, vpon our humble acknowledgement, his majestie will pardon, as alsoe that other and greater bewayled remissnes in one, in not securing them till we came & knew their place, out of ouer-much beleife of their pretended reality to resigne vp themselues, according to their pmise to saue the country harmelesse, which fayleing is soe much the more lamented, by how much the more we had vsed all dilligence to presse for such a deliuary vpon some of those that had shewed them former kindnesse, as had bene done other where, when as none of the magistrates could otherwise doe any thing in it, they being altogether ignorant where they were or how to come att them, nor truely doe they now, nor can we beleue that they are hid any where in this colony, since that departure or defeatement. But howeuer the consequence proue, we must wholly rely on the mercy of God & the king, with pmise to doe our endeaour to regaine them if opportunity serue. Wherefore, in this our great distresse wee earnestly desire your ayd to present vs to his majestie in our cordiall owneing and complieing with your addresse, as if it had bene done & said by our very selues, whoe had begun to draw vp something

that way, but were disheartened through sence of feeblenes & incapacity to pcure a meete agent to present it in our disadvantage state, by these puidences occurring; hopeing you will fauour vs in this latter and better pleasing mañer of doeing, which wee shall take thankfully from you, and be willing to joine in ~~the~~ pportionate share of charge for a cõmon agent to sollicite New Englands affaires in England, which wee thinke necessary to pcure the benefit of all acts of indemnity, grace or fauour, on all our behalves, as well as in other respects to preuent the mischeifes of such as maligne and seeke to misinforme against vs, of which sort there be many to complott now a dayes with great sedulity. If you shall desert vs in this affliction to present vs as before, by the transcript of this our letter or otherwise, together with the petition and acknowledgement herewithall sent, we shall yet looke vp to our God, that deliuerance may arise another way, resting.

George Hubbard and John Cooper was chosen and appointed by the court to goe as messengers vnto the Massachusetts with this writing, to see what would be done in the case.*

[294] ATT A GEN^{ll} COURT HELD AT NEW HAUEN FOR THE
JURISDICTION, AUGUST 21th 1661.

PRESENT, *Deputies.*

The Gouvern^r,
Deputy Gouvern^r,

John Cooper,
James Bishop.

John Fletcher,
Thomas Welch.

Mr. Ben: Fenne, }
Mr. Rob^t Treate, } *Magistrates.*
Mr. Jasper Crane, }

Mr. Rob^t Kitchell,
John Fowler.

Leiftenn^t Swaine,
Laurence Ward.

The Gouvern^r ppounded to the court concerning pclaimeing

* Governor Leete seems about this time to have been apprehensive of personal danger on account of his remissness in executing the king's warrant, and not long after visited Boston and conferred with Rev. John Norton, who, in his behalf, wrote, Sept. 23, 1661, to Richard Baxter, one of the king's chaplains. The letter may be seen in the *Life of Baxter*, fol. Lond. 1696. p. 291. Mr. Davenport also in defence of himself as well as of the governor and magistrates, wrote Aug. 19, 1661, to Sir Thomas Temple, a letter which is in 8d Mass. Hist. Coll. viii. 327.

the King in this colony, seeing now the Bay had done it already.* The govern^r alsoe informed them that he had receiued a letter from Mr. Norton, wherein he intimates concerning Cap^t. Leuerets apprehensions concerning the state of New England, and the govern^r further said he looked we had done more already, and that this was only a formality.

The thing being debated and considered, it was voted and concluded as an act of the gen^l court that it should be done. And for the time of doing it, it was concluded to be done the next morning at nine of the clocke, and the military company was desired to come to the solemnizing of it. And the forme of the pclamation is as followeth,

Although we haue not receiued any forme of pclamation by order from his Majestie or Counsell of State, for the pclaiming his Majestie in this Colony, yet the Court taking jncouragement from what hath bene in the rest of the Vnited Colonies, hath thought fitt to declare publiquely and pclaime, that we doe acknowledge his Royall Highnes, Charls the Second, King of England, Scotland, France and Ireland, to bee our Soueraigne Lord and King, and that wee doe acknowledge ourselues the jnhabitants of this Colony to be his Majesties loyall and faithfull subjects.

GOD SAUE THE KING.

ATT A COURT OF MAGISTRATES HELD ATT NEW HAVEN OCTOB.
16th, 1661.

Present, the Gouvern^r, Deputy Gouvern^r, Mr. Fenn, Mr. Treate and Mr. Crane.

Samuell Plumb of Brandford, plaint', entered an action of the case against widdow Pennington of New Hauen, defend^t.

The plaint' informed the court that the defendt had tooke vp a heifer, (which was tooke vp att Milford before for a stray,) and that shee had killed it contrary to order, which he apprehended might be his, he haueing such a one of such an age as he sayd wintered at Conecticut, which went out from thence and he could neuer heare of againe. The govern^r

* August 7th, 1661, they had however agreed upon an address to the king December 19, 1660. Mass. Rec.

asked him if he could prooue that he had such a heifer at such a time; plaint' answered y^t he had witnesses att home. It was sayd Thomas Welch of Milford witnessed against widdow [295] Penningtons carriage in this busines, || as doeing it disorderly, in not sueing out her right at Milford before shee killed her. Shee answered that Mr. Gilbert bid her satisfy att Milford, which shee ap^rhended that if shee satisfied Thomas Welch for his charge and trouble it had bene enough, but shee being a poore widdow, and not vnderstanding things, desired to submitt to the will of God and the court in this matter; there was Richard Johnson and John Alling appeared to make prooue that it was her heifer. The plaint' haueing not wittnesses here, withdrew his action till the court of magistrates in May next.

Deacon Guñ of Milford ppounded in the behalfe of M^r. Prudden, that the liberty graunted by the court of magistrates in May last of the review of the action about the horse till this court, that it might be extended vnto the court of magistrates in May next, shee being not puided of witnesses at present, they being at a great distance. It was demaunded of him by the court what meanes she had vsed to puide herselfe, but Deacon Guñ could not say much to it.

The Court thought it meete that M^r. John Davenport, jun^r, should haue notice of this motion, and the marshall was sent to know his mind, but he being not then at home brought this answer afterwards as followeth, viz., that he thought they had had time sufficient already, and therefore were not willing to giue any further time. But the court considering that the law for pbable right, vpon which he had the horse, would allow it, the court therefore thought it just that there should be time of liberty giuen to her for a review of the action, or to any other that shall appeare to lay a better claime to the horse then yet hath bene, vntill the court of magistrates in May next.

Deacon George Clarke of Milford, plaint', haueing entred an action of the case for a house and goods, to the value of 38^{li}, burnt at Milford, against John Baldwin of Milford defendt, in May last, he, being not then prepared, wthdrew his action by agreement vntill this court, whoe now appeared to

prosecute it against the defendt, but the defendt appeared without his witnesses and pleaded that the plaint' was to set him and his witnesses at this court at his owne charge & trouble as they was then.

The Governr asked John Baldwin if he could proue that agreement; John Baldwin answered that there was something done to that purpose by the plaint' in that he desired to summon him to this court, but the plaint' answered that he did it not, and Mr. Feen cleared it that it was Deacon Clarkes son that came to him to desire a warrant of him for John Baldwin, hearing that he would not apeare at this court; but after much debate and noe such agreement prooued by the defendt, the court saw cause to bind ouer y^e defendt to answer the plaint' and to bring his witnesses in May next at the court of magistrates, except they did agree it betweene themselves before, which the court rather desired.

[296] ¶ Deacon Pecke came and pbound to the court that sometime since he had put in security to the deputy gouernr for the appearance of his soune Samuells Andrewes, he thought the court would haue called him to answer, he knew noe reason why he should stand for the thing being long since he desired the court to consider it. Mr. Treat said to the gouernr that it was he that had done it and he might release it, but nothing was done at that time. Afterwards Deacon Pecke came and presented his son Andrewes to the court according to his security, and desired them to free him. Mr. Feen and Mr. Treat answered that they looked vpon him free. The gouernr answered that he did not know but he was, and he said he thought they might leave it so, and he said he thought Deacon Peckes plea was good enough. Mr. Treat said he thought he had fully discharged his duty.

The Court appointed the sixt day of Novemb next to be a day of soleñ thanksgiving through the jurisdiction for the mercies of the yeare past.

Mary Andrewes, wife of W^m Andrewes jun^r, came vnto y^e court and desired to be freed from her husband, hearing that he was married to another woman; for prouof whereof she presented, first a lett^r from Mr. Nathaniell Whitfield in Eng-

land, and from Richard Miles jun^r out of Barbadoes, both which was read, but the lett^r of Rich: Miles being torne, the court desired her to call Richard Miles, that they might heare what he could say himselfe in the case, whoe came and expressed what he had writt in the lett^r. The gouern^r asked her if shee would try any further meanes, shee answered shee would leaue it to the court.

Richard Miles jun^r was called to speake what he could say in the case vpon oath, whoe testified as followeth, I Richard Miles jun^r att New Hauen in New England, being in Barbadoes in Septemb in the yeare of our Lord 1660, saw W^m Andrewes whoe belonged to a small vessell called the Charls, the master of which his name was Rob^t Guardus, whoe informed me that W^m Andrewes was married to one Joane King, a Cornish woman that liued then in Kings Sale in Ireland. I asked him the certainty of the thing, who told mee I might very well beleeeue it, for he was his neare neighbour; wherevpon I desired to speake with W^m Andrewes, which after some discourse I told him what the reports was that was reported of him in New England that he was married to one in Ireland, and that Mr. Nathaniel Whitfield had writt ouer to New England in a lett^r that he heard it was soe, vpon which I desired W^m Andrewes to deale plainely with mee, but he at first denied it, till I told him the master testified it that it was soe and that he was his neare neighbour, and I told him that the master told mee her name, vpon which he was much amazed and I could scarce get a word of him, but after I pressed it much vpon him, he owned it that he was married to one in Ireland, and sayd that he was an vndone man.

This testimony was giuen in vpon oath before the court.

Together with this the lett^r of Mr. Natha: Whitfield, which Richard Miles speakes of, was presented and read before the court which was as he testified, together with his long absenting himselfe from his wife in New England, about eight or [297] nine yeares, || notwithstanding by Rich: Miles and sundry opportunities formerly he had of returning backe to her, but he neuer attended any to this day. Thomas Kemberly sen^r alsoe informed the court that his soñe wrote from Vir-

ginia that he being in Bristow heard that W^m Andrewes was married in Ireland, and that he wrote to him that his wife was alieue in New England.

The Court considering the case and the evidences presented, with the long time of absence of W^m Andrewes from his wife being fully cleared, did see noe cause to keepe Mary Andrewes in bonds to such a man, but did by way of sentence declare her to be diuorced from him and that shee was fully at liberty to marry with another without offence.

John Fletcher of Milford appeared before y^e court and desired that these three oathes followeing might be ratified before the court & confirmed by them in as full & authenticke maⁿer as they could, which the court graunted, & he further desired that they might be recorded, which is as followeth,

Know all men whom it may concerne y^e I, John Fletcher, of Milford, in y^e colony of New Hauen in New England, aged about fifty nine yeares, doe vpon my certaine knowledge testify vpon oath, that when as I dwelt in England, neere to one Henry Bacon & William Bacon, brother to y^e sayd Henry Bacon, and I neuer heard or knew any more of them y^t were their owne brethren by the fathers side, and they dwelt when I first knew them, in Stretton, in the county of Rutland, within y^e realme of England, & afterwards I know Henry Bacon when he was remoued to Clipman in y^e same countie of Rutland aforesayd; and I doe testifye y^t I knew the sayd Henry Bacon brother to the sayd William Bacon had one only soⁿe, called Thomas Bacon, well knowne to mee for y^e space of six or seuen yeares, and I haue heard it reported that he went to liue at y^e Barbadoes & there died; and further I the abouesayd John Fletcher doe testify, y^t I doe well know y^e y^e abouesayd William Bacon, brother to y^e sayd Henry Bacon, had a soⁿe called Nathaniell Bacon, whoe was his eldest soⁿe, whoe now liueth in New England and was p^rsent at my testifying hereof, and further sayth not.

Witnes, John Fletcher.

Know all men whom it may concerne y^e I, Mary Fletcher, of Milford, in y^e colony of New Hauen in Newengland, aged about fifty foure yeares, doe vpon my certaine knowledge testify vpon oath, y^t when I was in England, dwelling at Stretton in y^e county of Rutland where one Henry Bacon & William Bacon, brother to y^e sayd Henry Bacon, dwelt, and I knew nor heard of any other but these two brothers by the fathers

side, and I liued at the sayd Stretton for the space of ten yeares, in which time the sayd Henry Bacon remoued his dwelling to Clipsam in y^e county of Rutland aforesayd within y^e realme of England; and I doe further testify that the sayd Henry Bacon had one only soñe named Thomas Bacon, which I knew from a child, and I heard y^t he went to the Barbadoes and died there, and I, the sayd Mary Fletcher, doe further testify y^t I well knew W^{thm} Bacon, brother to Henry Bacon aforesayd, whose eldest sonne Nathaniell Bacon I well knew from a child, whoe is now liueing in New England and present at my testifieing hereof, and further not.

Witnes the marke of Mary Fletcher.

Know all men whom it may concerne, y^t I, John Ward, of Brandford in ye colony of Newhauen in New England, and aged about thirty six yeares, doe declare & vpon my knowledge [298] testify || on oath, that I well knew for y^e space of six or seuen yeares one Henry Bacon, of Clipsam in y^e county of Rutland, within y^e realme of England, & one W^{thm} Bacon, brother to y^e sayd Henry Bacon in the same county of Rutland abouesayd, and I neuer knew or heard of any brother or brethren more y^t they had by y^e fathers side; and I doe further testify y^t I well knew Thomas Bacon, sonne of Henry Bacon & nephew to the sayd W^{thm} Bacon, and I neuer knew or heard y^t the sayd Henry Bacon had any other child but only the sayd Thomas Bacon, whoe as I haue heard went to the Barbadoes & died there; and further I the sayd John Ward vpon certaine knowledge doe testify, y^t I well knew Nathaniell Bacon to be the eldest soñe of W^{thm} Bacon, brother to the sayd Henry Bacon, and the sayd Nathaniell Bacon is now liueing in New England & was p^rsent at my attesting hereoff, and further sayth not.

Witnes, John Ward.

This is a true record of the originall & James Bishop, *Secret*.

These three foregoing depositions was taken vpon oath, in p^rsence of the court of magistrates held att New Hauē Oc^b: 17th, 1661, which persons are knowne to be of good report.

Subscribed by me, James Bishop, *Secretary* for y^e jurisdiction, and sealed with y^e colony seale by order of y^e court of magistrates.

ATT A GEN^{ll} COURT HELD ATT NEW HAVEN FOR THE JURIS-
DICTION, MAY 7th, 1662.

PRESENT.

The Gouvern^r,

The Deputy Gouvern^r,

Mr. Ben: Fenne, } *Magis-*
Mr. Rob^t Treate, } *trates.*
Mr. Jasper Crane, }

Deputies for

John Cooper, }
James Bishop. } Newhauen.

Thomas Welch, }
Richa: Baldwin. } Milford.

Mr. Rob^t Kitchell, }
George Hubbard. } Guilford.

Richard Law, }
L: Francis Bell, } Stamford.

Leiftnn^t Swaine, }
Laurence Ward. } Brandford.

The Court being come together to consider of the affayres of the jurisdiction and how matters might be carried on in reference to the election for the yeare followeing, vnderstanding that there was a great discouragment vpon the spirits of those that were now in place of magistracy, and alsoe to consider about Mr. Rossiter and his sonne, that was now vnder the custody of the marshall, but the court vnderstanding that sundry persons of Guilford was then in towne whoe had subscribed too some offensive papers which was before sent to the court, & some of them spread abroad to the disturbance of the peace of this jurisdiction, therefore the court thought meete, (before they pceeded in any other matters,) to call these persons vpon particular examination, but vnderstanding that [299] || Francis Browne & his soñe was bound ouer (to answer for some contemptuous carriages to authority in New Hauen,*) to y^e court of magistrates when they should call

* John Browne had been brought before the deputy governor, October 21, 1661, and charged with having been intoxicated, which he denied. During his examination his father, Francis Browne, coming in, "discovered great distemper of spirit," and "uttered many contemptuous & reproachfull speeches against authority," asking "by what authority his sonn was called thither, he knew no authority they had since the king was proclaimed, nor would he obey any lawes vntill they came thence, & others were of the same minde." Finally he and his son, who demanded of the deputy governor whether he had his authority from Charles the second, were committed to prison, though order was afterwards given that, considering his age and infirmity, Francis Browne should have liberty to lodge at the marshalls house, which he refused to accept of, because his son had not the same favor. N. H. Town Rec. ii. 351.

them & hoping he might giue a good example to any that after should be called in a full acknowledgment of his euill, did first call for him & his soñe, whoe being called, the writing of their offensiue carriages was read before them, to which Francis Browne answered that he was sorry wth all his heart that euer he should say or doe any thing against the authourity, & did fully owne all that he had sayd & was heartily sorry that he should be any discouragement to any whom God should rayse vp amongst vs, or that he should be any leading example in euill to his soñe; he was asked if he had any further to enlarge in sight of his euill, but in debate of the matter the spirit of Francis Browne seemed to be out of frame & vttered some expressions about his imprisonment which was offensiue to the court, which they witnessed against & respited the matter to further hearing; but after, Francis Browne acknowledged his euill, & sayd that it neuer entred into his heart to alter this way of gouernement to haue it out of the hands of those that are members of churches, & did acknowledge the pride of his spirit which appeared in his first appearing, & shewed his sorrow for the same, & sayd he neuer intended to lay any blame vpon any & soe left himselfe with the court.

John Browne alsoe did desire to acknowledge his euill, and did confesse that he was heartily sorry for his sin in this busines, & acknowledged the breach of the 5th coñandm^t, & that he neuer intended any thing against the fundam'talls, but that he spake in a sinfull passion when he sayd Haue you your authourity from Charls the Second.

The testimony of Jn^o Tod & Nathaniell How was read, of some sinfull & wicked expressions which John Browne expressed, and John Browne owned the euill of them as they was prooued, but could not remember he sayd soe, as he declared.

The Court heareing what was sayd by them, did pceede to sentence, & first to John Browne in particular, & did sharply witnes against his euill, & told him that this did occasion them to lay a bond of 20^{li} vpon him that he attend his oath of fidelity, & this to continue the courts pleasure.

Francis Browne, his father, answered that the thing the court had done was good.

And for the case of them both, the court declared that in respect of y^e height of their miscarriages, though they accepted their acknowledgment, yet in respect of charges, they layd a fine of forty shillings to be payd by them both equally to the jurisdiction.

[300] || The Court now pceeded to the examination of some of Guilford, and first Thomas Stephens was called, (he haueing deliuered in the writings to y^e gouern^r,) & asked if he owned his hand y^t was in two of y^e writings, to which he answered y^t h did, & being further questioned whether he was the contriuer of y^e first writing & did owne the sence of it; but before he would giue answer he desired to speake with the gouern^r alone, which was graunted him, & the gouern^r coming in againe informed the court y^t Thomas Stephens his end of speaking with him was to mind him what was in y^e p^rface of y^e first writing; the gouern^r told them he had acknowledged what encouragem^t he had giuen them in y^e p^rsence of Mr. James Fitch, it being there ppounded to him as if they had bene denied of those priuiledges which the fundamentall law did allow them, the gouern^r answered he thought they was not, & that he had practised as liberally as others towards them in y^t respect, but Mr. Rossit^r offering to enter into debate about y^e matter, the gouern^r answered that he was not willing to enter into reasoning with them to giue his single judgement in y^e case, but if they would in a loueing & peaceable way p^rsent to y^e court what they had to ppound in it, they should be heard, & he would further them in it y^t they should haue y^t which y^e law did allow them, to which Mr. Fitch sayd y^t it was all y^t y^e gouern^r could doe, & they seemed to be satisfied. This being declared, they pceeded to question whether he contriued y^e writing, to which he answered y^t he did not write it himselfe, but did desire Mr. Rossit^r to draw it into forme, which was grievance to him. It was demanded of him if y^t was the issue of y^t meeting in which Mr. Fitch was p^rsent, hee answered y^t though all there grievances was not then spoken of, yet he did not know any

thing in y^e writing but y^t which was theire grievance. It being further demanded of him whether he owned the wholle or in part? he answered, y^t he intended nothing but y^t which was his grievance, but did acknowledge y^t by his subscriptions he did patronize both the writings. It being demanded of him whether there was any thing in it y^t he did not detract or recant, or y^t he did still owne it, but he stood still to justifie himselfe; then y^e first writing was read to him which consisted of severall heads, but he stood much in his owne justification, but being put vpon giueing his reasons, as is p^rtended in y^e writing they was ready to doe, he euaded, & desired time according to law to giue answ^r & consider of it, but after acknowledged y^t he with some others did question with him y^t wrote it whether there was not something in it which they did not vnderstand; it was told him that then he subscribed to y^t which was beyond his compasse, he answered y^t Mr. Rossiter sayd he would vndertake to make it out; it was further replied vnto him, to shew him his euill, y^t he that was sworne to p^rserue & maintaine y^e hono^r of y^e authority settled here, should doe & carry it in such a maⁿer as is here expressed; he still answered that his intent was onely to haue his grievances written, then after many turnes of speech & reiterations, it was put to him about y^e maⁿer of sending the first writing abroad, whether it was sutable to his oath; he answered y^t it was not done by his consent, & it troubled him when he heard it was done, for he feared it would be offensiu^e, but for his owne part he intended only to haue it p^rsented to y^e court & to haue an answer of it. Then y^e second paper being read, it was asked him how he could doe it, as if he [301] would haue them destroyed; || he answered that it was far from his thoughts or desires. It was further demanded whether they was all together when it was subscribed it, he answered he knew not, but when he heard it was prepared he went to Mr. Rossiters, & he thinkes there was three or four there p^rsent; but being asked if they desired Mr. Rossit^r to draw vp y^e second writing, he answered y^t after they heard y^e court had y^e first paper & but part of it, & the principle thing left out, they considered whether it was not there way to

p^rsent y^t which they had prepared, & some suggested whether they should not adde something to y^e former, but he being asked whoe it was, answered he knew not, nor could sware y^t M^r. Rossit^r writt it, but for his part he neither writ it nor was p^rsent when it was writ.

Then they asked him about y^e ptest, whether it was done in his name, being subscribed in y^e name of seuerall psons & many families in Guilford? he answered that he should giue noe answer to it & sayd he was not bound to accuse himselfe.

But Thomas Stephens being after accused by Richard Hubball, as one y^t drew him into this busines, did confesse y^t he now sees y^t he had done y^t which he ought not to haue done, nor should haue done it if hee had considered it, & y^t he was sorry for it, & desired to haue it passed by, & confest y^t he had grieved y^e spirits of those among whom he liues. It being demanded, (y^t seeing he was looked vpon as one of y^e heads in this matter,) whether he would relinquish these things? he answered y^t soe farre as they were any blemish to y^e court or any member of it he did.

Richard Hubball called for examination, was told by y^e govern^r y^t it was y^e courts pleasure to haue those called whose names was subscribed, & therefore desired to know whether he owned these subscriptions? he euading a plaine answer, not being able to write himselfe, but being asked whether it was not with his consent? he answered y^t there was such a paper shewed to him & hee asked if they should set his hand to it, to which he answered if they would they might, y^e first paper was y^t which John Benham spread, & y^e second was after y^e courts declaration, to which latter he sayth he remembers y^t he allowed not his hand to be sett to it; but being further questioned, whether he joyned in y^e contriuance of them? he answered he had noe hand in y^e contriuing of them, but M^r. Rossit^r drew vp y^e first, & they desired him y^t if there was any thing in it to cleare y^t he would be at court to giue answer, & he further sayd y^t they could not haue subscribed it had not M^r. Rossit^r vndertooke to maⁿage it, & he pmised to make prooffe of it. It was alsoe ppounded to him whether he was any of those families in whose name the ptest was subscribed,

he answered not as he knew of. He was also asked whether he did now retract w^t he had done, or stand in y^e justification of it, or was sorry that is soe spread abroad in y^e country to make such disturbance as it hath done at Stamford & Southhold? he answered that it was only his desire to haue w^t our law did allow & noe more, & whateuer is else, it was besides his intention, & he doth renounce & disowne it, & is sorry for any thing beyond this.

John Bishop was called, & told y^t y^e court being mett about some other occasions & haueing beene excersised wth some afflicting excersises by some pap^{rs} sent abroad, & to which they find his name, desired to [^] whether he owned his hand. He answered first by way of euasion y^t he did not, for he x could not write, & desired prooffe y^t he gaue order to any to set his hand to them, but afterwards granted y^t he gaue his consent to set his hand to both y^e writings; and being questioned whether he contriued them, he denied it, & sd if it be [302] y^e paper as || he thinks it is, it was brought to him by Mr. Rossit^r & read. He being asked if he still owne them & will stand by them or now detract, answered that if there was anything of disowning y^e gouernm^t, he did vtterly disowne it, & sd he neuer vnderstood it soe & therefore would haue noe hand in it, for he had alwayes practised contrary. He was then told y^e substance of y^e writings & y^t it was a season now to expresse himselfe if he had anything to say, for they had met wth this busines both from Stamford & Southhold, & y^e rice of it was from them; he answered he neuer vnderstood it as now he doth, he thought not a quarter of it, therefore sees he was meerey drawne in & did now vtterly renounce & disowne both y^e writings, he only desired to haue y^t which o^r lawes allow.

Withm Stephens was called, & asked if he would owne his hand to those two writings; he did owne them, and being asked if he had any hand in y^e contriuanee of y^m, he answered he neuer see any of them till they was done, he supposed they vnderstood who did them, he neither gaue order to haue them done nor knew of them till they was brought to him & read, which was done by Mr. Rossit^r at his house. He was asked

if he disowne y^e gouernm^t, he answered noe, nor neuer did, nor had any such thought, for he onely intended to desire that which o^r law did allow, & what is more in y^e papers is beyond his intentions. He was told that he had done all this after he had taken y^e oath of fidelity. Sam^l Kitchell informed the court y^t W^m Stephens desired him to goe & speake to the gouern^r to put out his name out of y^e writings, & the gouern^r answe^d him y^t if he would come & doe it himselfe before witnesse he might, but he could not doe it himselfe, but he came not.

Tho: Cruttenden was called, & told y^t they had not called him for accusation but for examinatioⁿ, & first asked him whether he owned his subscriptions to those two writings? he answered, yea he did; then he was asked whether he framed them or was done by some oth^r to his hand? he answered y^t he had but litle time & therefore could not giue his answe^r, but being further questioned about y^e sending y^m abroad, & whether he was able to make good y^e things spoken in those writings, & whoe the p^{rs}ons were y^t they asperse & charge with vnfaithfullnes, &c, he after many turnes of speech did answe^r, y^t he had noe hand in sending them abroad, but he thinkes Jⁿo Benham had it at there towne, but he knew not whoe gaue it him, & for y^e p^{rs}ons aspersed, &c, he knew not, but this he could speake, y^t he would say nothing to the defamation of this hono^rd court or any member of it, & y^t it may be y^t in a grosse writing there may be some particular expressions which they did not vnderstand, & s^d it was his weakenes to set his hand to any thing he vnderstood not, or y^t he did it inconsiderately, but s^d y^t Mr. Rossit^r drew vp y^e first writing & he ap^rhended y^t they had liberty from y^e hono^rd gouern^r, in y^e p^resence of Mr. Fitch to expresse their grieuances, y^e substance whereof was in y^t writing. Then the gouern^r asked him if w^t [303] he had s^d before Mr. Fitch was not || to this purpose, & related as before to Tho: Stephens, which he did not deny; then he was told y^t in stead of that they seeke to rase o^r fundamentalls & cast aspersions vpō sundry, & soe send it abroad to their defamation whose hono^r they was bound to maintaine & p^rserue, this wee take as vnkind & vnneighborly dealing

with vs, & not sutable to y^e fidelity to which they was sworne, therefore he was wisht to consider how it would stand with his oath; and then after the court had answered their first writing wth modesty, now vpon this they come wth another paper & tread vpon vs, & render vs Canaanite like, & you expecting Rahabs fauor, & this from you that are o^r neighbors, who should haue beene succour to vs if there had beene humane fraylty apered in any of vs. He was further asked if he still owne it or was sorry for what he had done? he answered y^t soe far as the things may be requested by them & granted by y^e court he did still continue his desire, and being asked further about y^e ptest, if he had any hand in it or did owne it? h^sd he could say nothing to it.

John Rossit^r was called, & the gouern^r told him that y^e court calls for an examination of him now he being in durance, & it was told him how he had answered to y^e marshall about paying of his fathers rates when his father was from home in an encouraging way, but y^e marshall goeing after his father was come home, hoping he would haue made good w^t he had s^d but finding such opposition as they found; vpon the returne of y^e marshall with the testimonies of other y^t was with him, the gouern^r s^d he thought it high time to suppress these things, & vpon this ground he gaue forth a warrant to apprehend & arrest you & your father, to be secured till y^e court could heare & examine y^e case, & soe they brought yo^r father & you to his house, & after some speech they was sent to Newhauen, to be kept in durance. He was told y^t now he was called to giue in his answers to this or any oth^r miscarriages mentioned in y^e warrant, & for y^e first case whether these things was soe or no; he answered that he should be loath to answ^r quæries, but if there be an indictm^t & prooffe, he should giue his answ^r. He was told that they knew noe inconveniencie it would be to him, possibly it might p^rvent a formall indictm^t; he answered y^t it would be an infringem^t to them of their libertie, for if they had beene examined at Guilford they should haue knowne w^t they had had to answ^r for. The gouern^r told him y^t such a testimony giuen in to him under soe many hands he thought sufficient to doe as he did, till the

court could examine y^e matter, but he refusing to answ^r wth out a charge layd against wth y^e witnesses, he was told that the forme of his charge was in y^e warrant, viz:, resistance and contempt of authourity settled, &c, now first for his fact of resistance of authority, which was the occasion of comitting him, whether he would owne it or noe? he was told y^t y^e worst they wished him was y^t he would see his euill & depart [304] from it, || but he refusing to giue answ^r till he heard w^t y^e witnesses would say, they was then called, & first Jn^o Scran-tum y^e marshall spake as followeth, that y^e treasurer brought him twō warrants, one for y^e jurisdiction & one for y^e towne, to streine for rates of y^m y^t was behind, whose names was on y^e backside of y^e warrants, & M^r. Rossit^r's name was in both, soe he went to Jn^o Rossit^r, (his father not being at home,) & read the warrants & the sumes; Jn^o Rossit^r being asked if this was soe, he answered yea, & y^t he did not question but his father would pay y^e towne rates, (for he had heard his father say soe,) if they would stay while his father came home, and further Jn^o questioned whether they was his fathers sumes, & they told him his father should bring in an account of his charges about y^e Colonells, & further y^t Jn^o said he would goe to y^e treasurers about it, & y^e treasurer s^d he did soe, & told him at smiths shop y^t if cattle would doe he did not question but they would be payd, to which y^e treasurer answered y^t he thought they would, & if they would choose one & he another they would doe something y^t way; but this latter part Jn^o Rosseter denied, & said he had not power to dispose of his fathers cattle. Then y^e marshall further related y^t when y^e treasurer told him y^t there was nothing done in it, he then went to distreine, (M^r. Rosset^r being come home,) & hearing there would be resistance, he tooke with him some to assist him, & soe went to M^r. Rosseters house one morning, & he comīng out of y^e doore he told him he had two warrants to him in both which he was as one behind in paym^t of his rates, & soe reade y^m, & s^d to him if he would make p^rsent pay he should not distreine, but M^r. Rosset^r answered he would not pay it then nor next morning neither,* then y^e marshall he

* Mr. Rossiter had refused to pay rates for his person and horse, on the ground of his being an allowed physiaian, pleading that the laws of nations exempted such from

went away to take two cowes & told the men y^t was with him which they was, & as he turned away he heard Jn^o Rosset^r say y^t they should haue noe cowes there, & then came & tooke vp an axe, & went to the gate, & told vs weshould haue noe cowes there.

Jn^o R: being asked whether he owned y^t he soe sd, answered y^t there being a gap in y^e fence, supposing they would haue droue out y^e cattle there he tooke vp an axe to goe to stop the gap, & sd they should driue out noe cattell there. This testimony of y^e marshall, W^m Stone & Richa: Bristow, being giuen in vpon oath in Mr. Rosset^r's examination is omitted here, but haueing all spoken, Jn^o Rosset^r owned it as legally p^roued, & the issue was y^t y^e cattle was left.

Then he was further told of his sinfull carriage in seuerall expressions when they was app^rhended, & Sam^l Kitchell testified y^t y^e first thing he tooke notice of was y^t without the doore Jn^o Rosset^r sd, y^t the app^rhending of them was but a character of w^t was like to follow. To this Jn^o Rost^r sd he should not answ^r to it. 2. Sam^l Kitchell saith that he manifested expressions wth rejoicing that they was app^rhended, & sd it was that which they long desired, and after they came into y^e house there was more spoken; goodm Bartlet, whoe was there p^rsent, moued to Jn^o Rosset^r why they tooke such a course, to strike the marshall as his father had done, he thought they might taken a better course to haue vindicated themselues; Jn^o replied may he not resist a theife when he comes into the yard to take away any cattle or goods, he would knocke him downe. To this within y^e house Jn^o Fowler & W^m Seward testifies y^e same; now to this Jn^o Rosset^r sd, y^t he owned it as legally proved but would not accuse himselfe.

[Two leaves, containing pages 305-309, are here wanting. Page 309 is blank, as also the greater part of page 310.]

personal services and their estates from rates and assessments—that they were not required in the Bay, nor in New Haven of the French doctor and Mr. Pell, nor had been demanded of him while he lived in Connecticut. A letter of his, concerning his difficulties with N. H. Colony, to Gov. Winthrop, is in 3d Mass. Hist. Coll. x. 73.

We may safely presume that the "charges about the Colonells," mentioned on the preceding page, refers to charges incident to a *search* for them, and not at all for their *maintainance*, and that it is not reasonable to suppose that the Regicides were at any time concealed by Mr. Rossiter or his son, as Dr. Stiles had inferred from this passage, Stiles Judges, pp. 91, 94. The Colony would not have ventured to support them publicly, and Mr. Rossiter stood for the King, and had disowned the authority of the Colony of New Haven.

[310] || As an addition to y^e printed law for y^e nomination of magistrates, it was now ordered, that in case there be not a nominatiō for magistrates in season, according to order, from y^e seuerall townes on y^e maine, as N. Hauen, Milford, Guilford, Stamford & Branford, to y^e number of three as an addition to those now in trust, that it shalbee in y^e power of y^e freemen then p^rsent at y^e election to nominate & choose three to those of y^m now in trust that shalbe then chosen, if they see cause. This to stand in force till y^e court see cause to repeale it.

[311] AT A COURT OF MAGISTRATES, HELD AT NEWHAUEN FOR THE JURISDICTION, THE 26th OF MAY, 1662.

Present, the Gouvern^r, Deputy Govern^r, Mr. Fen, Mr. Treat & Mr. Crane, Magistrates.

John Sheather was called for examination & was told y^e grounds of it was y^t they find his name set to two writings, one of which hath beene spread abroad to y^e greife & disturbance of many in this colony; now whether he owned his hand? He answered y^t he soe farre owned it as was his honest intent, & he vnderstood y^e pap contained nothing else but y^t which was lawfull for ciuill men to desire, but now he sees there is something in it which he did not vnderstand, & for y^e contriuanee he had one of y^e least hands in it, & he could safely say y^t there was not such forwardnes in him as some others but rather some words of repulse. He was told y^e 3 parts of y^e first writing, first, concerning y^t liberty which o^r lawes allow, he answered y^t that was all he desired. 2 pt was y^t they see noe whollsomnes in o^r fundamentalls, &c, to this he answered that he could safely say he had neuer such a thought, nor could owne it, for he vnderstood not y^t passage. 3 pt was their charging of some psons wth vnfaithfulnes, &c, he answered he could cleare all this court & he thought all y^e court before them, & he hoped they would not bring him into a snare. He was then told that he was sworne to vphold those lawes which he saith is vnwholesome, & y^t he hath not p^rsented these to y^e court before they are spread abroad; que: did the



gov^r euer incourage to any such things as these? he answered noe.

Then the second pap was read to him, he sd he knew not y^t euer he read y^t pap in his life, but vpon a time co^ming in to a place he was asked to set his hand to it, but he forbore a great space of time, & after he did it he was conuincd y^t he did it inconsiderately, & being asked by some if he would be one to deliuer it in, he answered y^m he would haue noe hand in it; then he did wth some affection acknowledge y^t as they had any reflection vpon the gouernm^t & lawes, he in his owne conscience did disowne y^m, & alsoe his euill in laying any aspersions vpon any wthout speaking to y^m first, which is contrary to those rules, Math. 18 & Leuit. 19, 17, & for y^e future did pmise to liue submissiue to this gouernm^t according to his oath soe long as he liued vnder it. The sentence of y^e court was, that he was soe dismissed as to be ready to giue further answ^r when y^e court shall see cause to call him.

Mr. Richard Lord came & p^rsented Mr. Rosset^r & Jn^o Rosset^r in the hands of the marshall according to his bond, & therefore desired his bond, which accordingly was deliuered to him.

Mr. Fen ppounded, in y^e behalfe of Tho: Wheeler & W^m Roberts, for charges about Herdman. The court concluded to allow them forty shillings out of Herdmans fine & left it to Mr. Fen and Mr. Treate for y^e diuiding of it. And noe further testimony co^ming in, in y^e behalfe of Herdman, did order y^t y^e rest of y^e fine be forthwith required.

Jacobus Loper haueing some goods as by a bill p^rsented by Mr. Gibbard appeared valued to 02^{li}, 02^s, 04^d. The court [312] concluded that the || marshall of Milford being payd out of it, the rest is to be be returned to the jurisdiction treasurer.

William Potter was called before y^e court to answ^r to w^t charge or accusation as they vnderstand from examination is layd against him, viz: that he hath co^mitted y^e sin of bestiality wth sundrie creatures.

The Gouern^r told him, that first he must mind him of his carriage before y^e magistrates when he was examined, that

when you heard w^t your wife & son testified to yo^r face, yet you was not affected as you should haue beene, whether true or false, but stood in a stupid way, making deniall of w^t was testified y^t they could not fasten it as a charge against him, yet told him y^t y^e puidence of God was soe strange in it, (his neare relations thus charging of him,) y^t if he was guilty God would bring it forth to light, & soe, wth as much solemnes as they could, left it with him & alsoe with M^r. Gilbert to gaine any further discouery as he could; and now it seemes since, (it may be by some better dealing wth him in y^e busines, & Gods jealousie against him,) God hath brought it forth out of his owne mouth; and seeing the church hath done their duty, which they well approued of, they as ministers of justice call him to account, to speake the truth in y^e case, & deale plainly, as standing before the great God of heauen & earth, his judge & theirs, & to make acknowledgm^t of y^e facts, how, when, & with what creatures.

He answered y^t first wⁿ he was before y^e magistrates he answered with a distinction, & thought their testimony could not take away his life, but being before y^e church & helped ouer something y^t stucke wth him, he did confesse & judge himselfe worthy to be cut off from among men & to be giuen ouer to be among deuills; and now he confessed more pticularly, the first time he sd was in old England, at prentise, wⁿ he was about eleuen yeare old, & after when he came to New England these temptations followed him, though sometimes they left him some yeares together, & then he thought God did worke vpon his soule, & y^e temptation left him a great while, but after he com̄ing to liue at M^r. Gilberts farme it returned againe, & he acted with a cow which is now gone, & after com̄ing to his owne farme his lust followed him, though he thought he should haue got power against it, & when y^e man was hanged for y^e same act he was much startled, but after still y^e temptatiō went on, & it strooke a dampe vpon his spirit y^t it was not right with him, & there he acted first with a bitch, which he hanged thinking he should be free from y^e temptation when she was gone, but it still pursued him, & he acted this wickednes wth two sowes, one of which was y^t of



which his son testifies, there is alsoe a yeareling heifer, a two yeare old, and a cow y^t he had beene vilely naught withall this spring, alsoe three sheepe, of which he s^d he told his wife which they were; these was all he s^d, only his attempting with his old mare which is now dead; & then confessed y^t he had gone far from God, but prayed, & desired theire prayers, y^t he might not goe further from him, and desired to haue w^t meanes might be afforded for his euerlasting good, acknowledging the Lord to be righteous whateuer became of him.

[313] || He was asked with w^t he couered these wicked courses? He answered that he went on against the checkes of his conscience, & did not consider the compasse of his sin, he had some dislikes of it but was ouercome still, & when his son discouered him, he had noe heart to speake to him, but was affected with teares, y^t he, being an old man, should be a foole in his latter end.

He was minded of his sin before y^e magistrates, that he should speake soe against his knowne light, & of his excusing it to his wife when she told him of it. He s^d he thought his excusing of it to her was a forerunner of these sins after. Much was s^d by him by way of acknowledgm^t of his euill, but in a confused way, as y^t sometimes he was filled with horror & y^t his sin lay vpon him night & day, & y^t he saw such sins the nature of y^m did harden his heart, & y^t he was filled wth shame & confusion for the dishonor y^t he had done to God, & y^t he had caused y^e name of God to be blasphemed among the heathen. He was told y^t such sins was judiciary sins, according to Rom. 1, 24, when men like not to retaine God in their knowledge, they are just judgm^{ts} of God vpon such vnder such light as he hath liued vnder, & y^t he should come to such a degree of sinning & to such an age was a thing to admiration & astonishm^t of all y^t heares him. He s^d he thinkes now all he did was to be seene of men, though sometimes he had other thoughts, yet now he hath nothing but his sin left vpon him & is discouraged, & his sins affright him from God, though sometimes some hopes may be in him.

He was asked what pocking sin he sees that might pooke God thus to leaue him? He answered that he had neglected

duty in secret, & had not kept his watch ouer himselfe & way, & was very vnconstant in family duties formerly, though something better of late. He was asked how he was educated? He answered, well, & was taught to reade. He was then seriously aduised & warned to take in y^e agravations of his sin, for he had beene a continuall liuer in this sin from his childhood, & that he had beene exceedingly hardened in it, y^t he should goe on in it after he saw others put to death for the same acts & such like, & was told y^t his sins was wonderfull, therefore was wished to be serious about repentance, & to take heed he did not word it out to the last.

He was further questioned, y^t seeing he had acknowledged more then was charged against him, whether he had not defiled himselfe with any woman besides his wife. He answered noe, neither with woman, mayd nor child, y^t was certaine.

The Court haueing considered the case pceeded to sentence, & first read the law to him, & then y^e govern^r asked him if he had any thing to say why the court should not pceede to judge him according to y^e law. He answered noe, but his great matter was betweene God & his soule, to desire him to giue him repentance.

The Govern^r then declared, that seeing it is soe, they could doe noe otherwise, and he therefore in y^e name of y^e court did declare to William Potter that y^e law read was y^e sentence of y^e court, to be executed vpon him, viz: that he be hanged on a gallowes till he be dead, & then cut downe & buried, & the creatures with whom he hath thus sinfully acted to be put to death before his eyes. He answered y^t he had in himselfe y^e [314] sentence of death before. || For the time of his execution, it was left to y^e magistrates of Newhauen with the advise of the elders.*

Sam^l Plumbe appeared to psecute an action entred by him against widdow Pennington of Newhauen, in Octob. last, concerning a stray beast which she had tooke vp & killed disorderly, & he ap^rhended it might be his, he haueing lost such a one from Coⁿecticott, which he had droue vp thither to be

* Mather, who gives an account of this case, Mag. B. vi. Cap. v. Ap. iii. states that he was executed on the 6th of June.

wintered, but after neuer had it againe; then he presented a coppie of y^e record from Milford where she was tooke vp, which is as followeth,

A description of y^e stray taken vp by Tho: Welch of Milford wth her age and markes, wth valuation thereof,—she is a blacke heifer judged to be but three yeares old, marked wth y^e top cut off y^e right eare, & a litle hollow in y^e top of y^e left eare. Note y^t since this beast was taken vp she is branded wth (S) on y^e left horne & she hath a with about her necke. Valued by Thomas Wheeler & Daniell Buckingham at three pounds & ten shillings, this 4th of May, 1660.

This is a true copy of y^e publique record in Milford, taken this 27th of May, 1662, p me, Rich: Baldwin, *Secretary*.

Sam^{ll} Plumb, to prooue that he lost such a one from Conecticott, presented y^e testimonies following, viz^t.

The deposition of John Belding, aged about 27 yeares, the sd deponent saith that he had a heifer of Sam^{ll} Plumbs in his keeping, which was of a blacke coulour & wide hornes, & as they remember shee had some white vnder y^e belly, this heifer was two yeare old in y^e yeare (59,) & strayd away from Weathersfield in Aprill on y^e yeare as aforesd & was not seene afterwards in these parts nor heard of, & was in good flesh when it went out. Taken before me vpon oath, Richard Treat.

Feb. 16, 1661.

The wife of John Belding doth testifie the same vpon oath.

Then widdow Pennington desired goodm Johnson might speake, who sd as followeth, viz: Richard Johnson sd that he marked this beast for her when it was young, & was y^e same which this had, & further said y^t it had a priuate marke by y^e bag which, when shee brought this beast & owned it, he sd before they caught her y^t it was hers, it had a white place by y^e bag, & after they caught it soe it prooued, but y^t which she challenged was to be 4 yeare old when it was at Milford, but Tho: Welch sd y^t this had not cast y^e tips off its hornes, and further sd y^t he thought she had lost it if it was hers, taking of it & killing it soe disorderly, but she pleaded being a widdow y^t w^t shee did y^t way it was ignorantly & was sorry for it. The govern^r declared y^t there was disorders on y^e womans part which did speake against her right & deserued penalty, but there was more agreem^t in y^e markes of this & the womans then there is of Sam^{ll} Plumbs, but there being some difference

in y^e testimonies of widdow Pennington about y^e age, the court concluded as things then appeared that she had lost her right & was to be responsible for her, & in reference to Sam^{ll}, that he bring in furth^r prooffe anoth^r time.

But afterwards the case came againe to be considered & Sam^{ll} Plumb p^resented y^e testimony of John Ward of Branford & of his wife, w^{ch} are as followes,

John Ward testifies that he helped Sam^{ll} Plumb to driue two blacke heifers to Connecticott, that was two yeares old co^meing, afterward he was at Connecticott & saw them in John Beldings yard.

Goodwife Plumb testifies that her husband droue vp two heifers towards Coⁿecticott that was of their owne breed, & had but one of them againe.

These was attested vpon oath before y^e court.

Widdow Pennington alsoe p^resented further prooffe, as first John Thomas, whoe declared that he did thinke really that this was the womans heifer, & to this tooke oath & gaue his reason, for he lost a heifer of the same age & he tooke this heifer vp & brought her home & thought it had y^e same marke as his y^t is cropt off on the right eare, but desiring Serj^t Boykin [315] || to helpe him catch her [& then they found she had a litle bit] cut off on y^e other eare they ap^rehended wth a knife, & they both concluded her to be 4 yeare old past, she had a wrinkle on her horne & noe tips then, & he sent to goodw: Pennington to tell her of it, & a litle after she challenged her, & he knew that shee wanted such a one. Richard Johnson further sd that shee was judged to be 4 yeare old by some that catched her, & y^t he himselfe knew her from a calfe & marked her, & that she had a priuate marke as before, & now vpon oath attested that that was widdow Penningtons heifer which she tooke vp & killed.

John Coop^r informed y^e court alsoe how it was pbable shee was wintered y^t yeare she was lost before she went to Milford, for there was intelligence of such a heifer afterwards seene in a mans yard at one of y^e farmes.

John Winston & Roger Alling sd y^t they being desired to looke on her & judge her age, & there was some others wth

them, it was in July, & they all concluded by her age that it was her heifer.

Sam^{ll} Hodgskin testified y^t at the beginnig of spring, when he began to keepe cowes, he saw such a stray with a (S) on her horne, & she went with him y^t su^mer, & y^e woman came & enquired of him for her, & desired him to take care of her & put her into the quarter where her land was, when it was open, & soe he did, & after the quarter was done shee went out into the woods, & she desired him to looke her vp for her & soe he did, & withall the woman told him y^t she had got some of her neighbors to look on her & they hadled her & judged her to be her heifer. Sam^{ll} Hodgskin furth^r sd y^t the maⁿer of y^e head of y^e beast was like the da^me of her which he kept, crumple horned & not broad headed as is sd of Sam^{ll} Plumbs.

The Court heareing w^t could be sd on both sides did by way of sentence declare, y^t by the evidences p^rsented widdow Pennington had clearest right to the heifer, yet considering how disorderly she tooke it vp & killed it contrary to law, & soe Sam^{ll} Plumb disaduantaged to cleare his right & occasioned to him more trouble and charges then otherwise he might haue had, therefore did order that widdow Pennington pay vnto Sam^{ll} Plumb fiftene shillings & alsoe beare the charge of y^e action which is ten shillings.

A writing p^rsented for y^e last will & testam^t of Serj^t Tho: Jeffrie late of Newhauen, deceased, but wanting due form & date, it being alsoe ill peⁿed & spel'd & thereby found difficult to reade, could not be legally proued, yet being written (with his owne hand) & subscribed (as was conceiued & vpon oath attested by Leiftenn^t John Nash to containe y^e last will of y^e deceased (to y^e best of his knowledge) according to y^e true meaning of it, which in a writing deliuered in is by him expressed, it was ordered y^t accordingly y^e estate of y^e deceased shalbe disposed off. Prooued in court at Newhauen, Decemb. 3^d, 1661.

The writinge before mentioned was alsoe p^rsented & read & by this court ordered (vnto w^t Newhauen court had done) that (considering y^e many defects in y^e will) those who receiue

y^e estate doe giue in security to Newhauen Court to be responsible for soe much estate to any y^t shall lay a better claime.

An inuentry alsoe of y^e estate of Serj^t Tho: Jeffrie deceased, taken the 2^d of Decemb. 1661, apprized by Leiftenn^t John Nash, Withm Pecke & Roger Alling, amounting to one hundred fifty two pound seuen shillings & three pence, besides an axe & an old saw y^t was not su^med, there was alsoe diuers debts due both from & to y^e estate not fully cleared; prooued in court at Newhauen January 7th, 1661.

A writeing p^rsented as y^e will of Rob^t Johnson late of Newhauen deceased, witnessed by Withm Bradly & Cristopher Tod & subscribed with his owne marke & testified by y^e witnesses aforesd to be made about the 31th of Octob: 1661, (it haueing noe date,) prooued in court at Newhauen the 8^d of Decemb: 1661.

Alsoe an inventory of y^e estate of Rob^t Johnson, taken y^e 26th of Novemb: 1661, apprized by Withm Bradly & Christopher Tod, amounting to three hundred sixty six pound seuen-teene shillings & a penny, prooued in court at Newhauen, Decemb: 3^d, 1661.

An inuentry of y^t part of y^e estate of Mr. John Wakeman (lately deceased at Harford) left within this jurisdiction, with certaine debts therein included due from some at Stratford, taken the 21th of Octob: 1661, apprized by Roger Alling & James Bishop, amounting to 299^{li}, 17^s, 09^d, prooued in court at Newhauen Octob: 30th, 1661.*

* The original will of Mr. Wakeman is on file in the Probate Office in Hartford, and is as follows,

"I, John Wakeman of Newhauen being weake in body, but of sound vnderstanding and memory, in expectation of my great change doe make this my last will and testament. First, I comend my soule into the hands of my Lord Jesus Christ my redeemer, trusting to be saued by his merits and intercession, and my body to be buried at the discretion of my executors and freinds, in hope of a ioyfull resurrection; testifying my thankfullnes to God for the free manifestation of his grace to me in Christ, and for the liberty and fellowship vouchsafed me with his people in his ordinances in a congregational way, which I take to be the way of Christ, orderly walked in according to his rules, but I doe testify against absolute independency of churches, and perfection of any in light or actings, and against compulsion of conscience to concur with the church without inward satisfaction to conscience, and persecuting such as dissent vpon this grownde, which I take to be an abuse of the power giuen for edification by Christ who is only lord of the conscience.

"As for my outward estate and worldly goods that God hath giuen me, which I shall

An inuenty of y^e estate of W^m Blayden late of Newhauen- deceased, presented, taken January 3^d, 1661, apprizd by Roger Alling & W^m Payne, amounting to 02^{li}, 14^s, 04^d, prooued in cort at New Hauen Feb: 4th 1661.

[316] || An inuenty of y^e estate of Jarvis Boykin deceased

leau, my iust debts and funerall charges being satisfied, my will is thus; first, I giue vnto my daughter Helina, wife to John Talcott of Hartford, twenty pounds to be wholly at her owne disposing, and to her husband, my son in law John Talcott, five pounds and my best beauer hatt and band, and to ech of theyr three children five pounds apeece, namely vnto John, Elizabeth and Samuell, all to be payed within six moneths after my decease. It. I giue vnto my son Samuell Wakemans two sons, namely Samuell and John, ten pounds apeece. It. I giue vnto my daughter Kitchells daughter Elizabeth, ten pounds. Item. I giue vnto my brother in law Adam Nicolls of Hartford my cloath cloake and the suite of the same which was my cousin John Walkers, and my grey hatt, and I giue vnto his wife, my sister Anna Nicolls, ten pounds, to be wholly at her owne disposing, and to theyr four children twenty shillings apeece, namely John, Hanna, Sarah and Ebenezer, all which my will is should be payed to them wth in six moneths after my decease. It. I giue vnto Hanna Cheeuers five pounds, to be set apart and improued for her at the end of one yeere after my decease as my ouerseers shall see meete vntill shee come to eightene yeers of age (which is the tyme agreed vpon for her continuance wth me or mine) or till the tyme of her marriage, provided shee marry wth the consent of my executors and ouerseers, or wth the consent of any two of them.

"It. I giue to my seruant Thomas Huxley my short gun with a rest, and my hanger which he vseth to traine with, vpon his good behauiour, that is if he shall carry himselfe honestly and faithfully in his place and seruice to the satisfaction of my executors and ouerseers, or with the approbation of any two of them.

"Item, all the rest of my estate, goodes, lands, debts, whatsoener, I giue and bequeath to my son Samuell Wakeman, and to my son in law and daughter Samuell and Elizabeth Kitchell as followeth, that is when all my debts and legasyes are discharged, (which my mind is should be out of my estate as it ariseth indifferently, and at the prises comon in this jurisdiction,) my will is that my son Samuell Wakeman shall have two third parts of that my whole estate that remaineth, and my son and daughter Kitchell the other third part equally betwixt them, and my will is that my daughter Elizabeth Kitchell shall have that part of hers wholly at her owne disposing. And I doe make and appoint my son Samuell Wakeman and my son in law Samuell Kitchell to be joyntly executors of this my last will and testament. Alsoe I doe intreate my beloued freinds and bretheren Henry Glouer and James Bishop, to be ouerseers of this my will, and for theyr paines herein I giue vnto ech of them ten shillings. And I further desire my deare and louing sisters, my sister Dauis and sister Glouer to assist my executors and ouerseers with theyr counsell and helpe in prizing, diuiding and disposing things equally to mutuall satisfaction, according to the true intent of this my will, which I subscribe with my hand this 18th day of the 4th month 1660, in the presence of
Martha Davis,
Ellen Glouer.
John Wakeman."

On the back. "Thes may certifie that Martha Davis and Ellin Glouer haue attested vpon oath that this is the will of Mr. John Wakman lattly deceased, before mee, Mathew Gilberte, Deputie Governer, this 2th of 8th month, 1661."

Inventory taken by Richard Lord and William Wadsworth, September 14th, 1661, amount £157, 16, 11.

was p^resented as taken January 23th, 1662, amounting to y^e sūme of 172^{li}, 03^s, 04^d, besides a change or two & a srow vnap-prized, prooued before y^e court at Newhauen May 23th, 1662, vpon oath by y^e widdow of y^e deceased to containe y^e whole estate of her late husband to y^e valew of ten or twenty shillings, to y^e best of her knowledg, & by Leiftenn^t John Nash & Deacon Withm Pecke y^t y^e apprizem^t was just to y^e best of their light.

The last will & testam^t of M^r. Withm Fowler of Milford deceased, was p^resented as prooued in court at Milford, [^] by M^r. Rob^t Treat, John Fletcher & Withm Fowler junior, witnesses, dated the eighteenth of January, 1660.

An inuentory alsoe of the estate [^] M^r. W^m Fowler deceased, p^resented, taken the 8th of February, 1660, prized by M^r. Aex-ander Bryan & Michaell Tompkins, amōunting to y^e sūme of 408^{li}, 13^s, 09^d, prooued in court & before the magistrat at Milford March the first & seuenth 16th ^q. Rich Baldwin, Secret.

The last will & testam^t of M^r. John Bishop sen^r of Guilford deceased, p^resented as prooued in court at Guilford, Feb. 7th, 1660, by M^r. Rob^t Kitchell & John Fowler, to y^e subscribing, & by M^r. W^m Leete & Elizabeth Jordan y^t M^r. Bishop owned & allowed it soe to stand, adding onely y^e legacy therein to his daughter Steele, now vpon his death bed; dated Novemb. 1653.

Withm Leete, Esq; Gouvern^r.

An inuentory alsoe of y^e estate of M^r. John Bishop sen^r deceased, p^resented as prooued in court at Guilford vpon oath by Anne Bishop the widdow & relict of y^e deceased & John Bishop his eldest sonne & joint executor wth y^e widdow, for y^e quantity, & by Abraham Cruttenden sen^r, Jn^o Fowler & W^m Stone, apprizers, for y^e just value as is therein sett downe, amōunting to y^e sūme of 375^{li}, 17^s, 11^d, and taken January 7th, 1660.

Withm Leete.

An inuentory of y^e estate of M^{rs}. Sheafe of Guilford deceased, p^resented as prooued in court at Guilford August 30th 1659, by W^m Chittenden her son in law for y^e quantity, & by Abraham Cruttenden, W^m Dudley & John Fowler, for y^e just value, taken Decemb: 1st, 1658, amōunting to y^e sūme of 016^{li}, 17^s, 00^d.

Withm Leete.

A writing p^resented as the will & inuentory of Vincent

Meggs, as haueing beene p^resented & witnessed (in court at Guilford, Decemb. 2^d, 1658,) by John Meggs as y^e last will & testam^t of his father Vincent Meggs vpon his death bed at his house at Homonossocke. The court not finding other prooffe, accepted w^t was to be had & granted administra^{ti}on of the whole estate to y^e s^d John Meggs, with y^e will annexed, requireing him to doe and p^rforme accordingly vnlesse better euidence to y^e contrary shall appeare. Dated Septemb: 2^d, 1658, am^ounting to y^e su^me of sixty two pound, secretary fees to be deducted.

W^{ill}m Leete.

Deacon George Clearke of Milford, plaint^r, } The action
& *John Baldwin of y^e same place defendt.* } haveing been
formerly entred, w^t was formerly alledged on both sides was
now read, & the plaint^r desired y^t James Bishop might be his
attornie, which was granted, but after many pleas & allega-
tions on both sides, the defendt desired to come to composi-
tion; the plaint^r upon consideration for peace sake did conde-
scend thereunto, & soe before y^e court wth their concurrence
they came to this conclusion, the defendant ingaged to pay to
the plaint^r fifteen pounds & the charges of y^e action, which the
plaint^r accepted upon M^r. Feñs ingagement that this money
should be payd within a yeare after this time, w^{ch} M^r. Feñ
ingaged accordingly.

[317] AT A COURT OF ELECTIONS HELD MAY 28th, 1662, AT
NEUHAUEN, FOR Y^e JURISDICTION.

The Govern^r declared that through y^e goodnes of God they
had beene carried through another yeare, though with much
infirmity & weakenes, & himselfe more then ordinary, yet not
soe but through reflection God had brought him to y^e sight of
it, but yet was free to be responsable for any publicke transac-
tion, & should be ready to giue answ^r to any brother or breth-
ren com^{ing} to him in an orderly way, desireing to find pardon
& acceptance with God & acknowledging their patience & loue
in passing by any thing that hath beene done amisse; none
objecting, they pceeded to vote.

M^r. W^{ill}m Leete was chosen Govern^r.

Mr. Mathew Gilbert was chosen Deputy Govern^r.

Mr. Withm Jones,* } was chosen Magistrates for Newhauen.

Mr. Withm Gibbard, }
Mr. Benjamin Fenne, } was chosen Magistrates for Milford.
Mr. Rob^t Treate, }

Mr. Jasper Crane was chosen Magistrate for Brandford.

They all tooke oath, Mr. Fen desired to be vnderstood as the last yeare.†

The Govern^r & Mr. Fen chosen Comissioners, & Mr. Treat the third man, in case need require.

Roger Alling chosen Treasurer.

James Bishop chosen Secretary.

Abraham Dowlittle chosen Marshall.

All for the yeare ensueinge.

AT A GENE^{ll} COURT HELD AT NEWHAUEN FOR THE JURISDIC
TION, THE 28th OF MAY, 1662.

PRESENT.

Deputies.

The Gouern ^r ,	John Cooper, }	for Newhauen.
The Deputy Gouern ^r ,	James Bishop, }	
Mr. Jones, }	Thomas Welch, }	for Milford.
Mr. Gibbard, }	Richard Baldwin, }	
Mr. Fenne, }	Mr. Rob ^t Kitchell, }	for Guilford.
Mr. Treate, }	George Hubbard, }	
Mr. Crane, }	Mr. Richard Lawe, }	for Stamford.
	Leift ^t Francis Bell, }	
	Leift ^t Sam ^{ll} Swaine, }	for Brandford.
	Laurence Ward, }	

* Mr. Jones with his wife, the daughter of Gov. Eaton, and the rest of his family, arrived at Boston July 27, 1660, in the same ship which brought the two regicide judges, Goff and Whalley. On the 23d of May, 1662, he took the oath of fidelity, with the following caution, "That whereas the King hath beene proclaimed in this colony to be or Soueraigne & we his loyall subjects, I doe take the said oath with subordination to his Maj^{ty}, hoping his Maj^{ty} will confirme the said gouernment for the advancement of Christs gospell, kingdom & ends, in this colony, vpon the foundations already laid; but in case of alteration of the gouernm^t in the fundamentalls thereof, then to be free fro the said oath. He was also on the same day admitted a freeman and nominated to be propounded to the court of election for a magistrate. N. H. Town Rec. ii. 372.

† Mr. Fenn had refused his consent to the declaration respecting Goffe and Whalley made by the Commissioners of the United Colonies Sept. 5th, 1661, as we learn by the Connecticut M^S. of their records; the declaration is printed in Hazard ii. 451.

The Court considering y^t y^e former order about 24 houres warning for attendance to towne meetings was sometimes inconvenient, did alter it and order that if there be warning giuen any time y^e day before, it shalbe counted sufficient.

It was ordered y^t all horses & mares of three yeares old & aboue shall passe in rates at ten pound apiece till further order, but this not to begin till next yeare.

It was ordered y^t y^e custome & excise for wine & strong liquors be gathered vp by collectors for this yeare as formerly [318] in y^e seuerall || plantations, & they to haue three shillings in y^e pound for w^t they soe gather vp for their care & paines therein. The psons apointed was Roger Alling for Newhauen, Joseph Waters for Milford, John Fowler for Guilford, John Holly for Stamford, Tho: Turry for Southhold & Laurence Ward for Brandford.

Concerning some ppositions p^rsented by Francis Browne of Stamford, in y^e name of seuerall as he sd, the court saw cause to answ^r as followeth, 1. for liberty for all to choose psons for y^e carrieing on prudentiall affayres in y^e towne, &c, to which y^e court saw cause to declare y^t whateuer liberties or priviledges or lawes doe allow them, that they should haue. 2. And for y^e other pposition about paying rates equally at one price in euery plantation, & y^e charge of transport to be borne by the generall, it was agreed y^t all the other plantations being concerned in it they declared that they see not cause to make any alteration in that for y^e p^rsent. 3. For y^e busines about y^e colony schoole, the court considered y^e matter & transmitted it into the hands of y^e co^mittee for y^t busines, desiring it may be carried on to y^e ends for which it was first settled, or if they see sufficient grounds, then to lay it downe. And for any other matters concerning Stamford & Greenwich, they left it to the govern^r and magistrates to issue when they come to Stamford.

It was agreed (vpon y^e desire of Mr. Bishop & some others of Stamford,) that y^e govern^r, Mr. Fen & Mr. Crane should goe to Stamford for the settling matters there in controuersie, who was impowered to keepe court according to y^e power of any plantation court extraordinarily assisted, & alsoe any deputy of this court that should accompany them was impowered to assist them.

Mr. Richard Law & Leiftenn^t Francis Bell were chosen deputies for Stamford for y^e yeare ensueinge & was invested wth y^e same power as they had y^e last yeare, taking in with them some others to assist them with the consent of y^e freemen, and for their taking oath it was (vpon their desire) left till y^e govern^r & magistrates should come to Stamford.

This Court not knowing what important affayres may happen respecting this colony, betweene the sessiō of this & the next generall court, haue voted, & doe declare it to be their minds, that y^e govern^r being imēdiatly informed thereof, repayre to Newhauen, & there consult & advise wth the magistrates & elders of that place & of Brandford what is fit & safe to be done in such an exigence, & to act & doe accordingly by the major vote of such magistrates, vpon such concurrent aduise of two or more of y^e elders, & to call in the aduise of y^e magistrate or magistrates of Milford or any other towne in this colony, provided that the gouern^r & such magistrates pceed not to treate or conclude any thing y^t may haue tendencie to change of y^e present governm^t, without a generall court be first called by aduise of such counsell, wherein this court promiseth to stand by the sd govern^r & magistrates soe acting as aforesd, & not otherwise.

[319] || Mr. Samuell Wakeman desired to ppound something to y^e court about some monies stopt by y^e jurisdiction treasurer which was due to his father from y^e jurisdiction, first concerning fiue pound eight shillings that was brought to account after the auditt; the matter appearing cleare, onely forgotten by Mr. Wakman then, the court did allow it. 2. Concerning the wampom giuen in as jurisdiction stocke to y^e deputies for sixty foure pounds, & they finding some at six a penny & some at eight, the p^rsent treasurer Roger Alling would not soe accept without the allowance of this court, Leiftenn^t Bell, Mr. Rob^t Kitchell & John Cooper testified y^t wⁿ they audited Mr. Wakemans accounts, then Mr. Wakeman told y^m y^t this wampom was soe receiued, viz: some at six a penny & some at eight; therevpon this court allowed it soe to be receiued (as it was writ vpon) by y^e treasurer, the jurisdictiō bearing y^e losse. 3. Concerning twenty shillings wanting in tale in a



parcell of wampom y^t was sent to y^e Dutch by Mr. Hodshon, Mr. Sam^l Kitchell testified that it was ten pound sent in a basket by his father Wakeman to be put off, & he further sd y^t his father receiued it for ten pound but comīng backe vpon y^e tale of it to Roger Alling there was but nine pound; this was alsoe granted to be allowed them. 4. Concerning y^e difference betwixt his fathers accounts & y^e comīssion's conclusions in y^e yeare 1660, of about twenty pound in wampom, how to reconcile them they could not yet find, but for clearing it pduced a writing vnder the hand of Mr. Allen which was read, but the thing not appearing cleare this court left it to y^e court of Newhauen to view Mr. Wakemans booke & issue the busines betwixt them, & therein to rest satisfied.

Tho: Kimberly, y^t was marshall, ppounded for forty shillings for his charges & trouble about Mr. Rosset^r & his sonne, & for 20^s for his extraordinary trouble y^e last yeare. The court considering the matter did allow him fifty shillings in all for both.

John Cooper ppounded (in y^e behalfe of Captaine Clearke) that the wine & liquors drawne at jron workes might be custome free. The court considering his motion did grant that one butt of wine & one barrill of liquors should be free, but what more is sold to pay as others doe.

There being noe time before the election to issue the busines of Mr. Rosset^r & his son John, it came to be considered by this court, Mr. Allen & Mr. Willis of Connecticut waiting to to see an issue of the busines, p^rtending to be friends to vs & friends to peace, labouring wth Mr. Rosseter & his son to bring him to some acknowledgem^t of euill; they did each of y^m p^rsent a writing to the court subscribed wth their owne hands by way of acknowledgem^t, but y^e court **finding** them to come short of their expectation did adde some expressions by way of imēdaçō & returned them backe & concluded y^t if they came vp to them ingeniously they would accept them, they leauing it to the court to giue satisfaction for the charges expended about them, but after Mr. Rosset^r & his son had [320] pvsed the writings they came to y^e || court & sd, (first Mr. Rosset^r,) that he had pvsed their paper & he could not

accept it wthout wronging himselfe, & therefore desired y^e court to pceed to his triall, for he should rather submit to y^e censure of y^e court w^euer it be then to subscribe to that writing.

The Govern^r ansrd they should consider of it & giue him an ans^r.

Then Jn^o Rosset^r sd he had subscribed to y^t which was sent to him & desired it might be accepted, but they both being conjoined together the matter was left to a further consideration, and in y^e issue the court concluded to leaue it to a co^mittee of six of y^e members of y^e court, with y^e aduise & concurrence of y^e elders then present, & the issue to be ratified if foure of those six agree with the aduise & concurrence of y^e elders aforesd, (the psons agreed vpon was the govern^r, Mr. Jones, Mr. Fen, Mr. Treat, Mr. Crane and Richard Baldwin, the elders were Mr. Davenport, Mr. Street and Mr. Pearson,) but the co^mittee was told by seuerall of y^e court that it would neuer be satisfieing to y^e country if something was not obtained for y^e defraying of charges & expenses.

Soe after y^e co^mittee had debated y^e matter with Mr. Rosset^r & his son in y^e p^rsence of Mr. Allen, Mr. Willis & the elders aforesd, they brought as the result & conclusion of the matter vnder the hand of y^e gouern^r, viz: That this gen^l court haueing considered y^e contents of the paper within written did apoint a co^mittee of six members of y^e court wth y^e aduise & concurrence of the elders then p^rsent as aforesd, which co^mittee (in y^e p^rsence & by the mediati^on of Mr. Allen & Mr. Willis who had long waited, laboured & desired to see an issue in y^e busines with Mr. Rosset^r depending,) did with consent of the aforesd elders & their concurrence accept of y^e acknowledgm^t & p^rises of Mr. Rosset^r & his son John, set downe in this & another paper vnder the hand of John Rossit^r, together wth their solemne engagem^t made not to act any thing of psecuti^on or molestation against court or courts, officer or officers, or other psons belonging to y^e colony of Newhauen any where to disturbe their peace, without y^e aduise & consent of Mr. Allen, Mr. Willis & Mr. Streete, (Mr. Davenport was alsoe after added,) who p^rfesse themselues to be o^r friends as well as his,

& friends to peace, in respect to whose labor of loue & paines, as alsoe for Mr. Rossit^r further conviction & better carriage, the comitte^e thus did condescend. Their acknowledgm^{ts} follow,

Whereas much trouble hath ensued vpon his deniall of this p^rsent gouern^t of Newhauen, he did see cause to owne y^t in seuerall passages & expressions he had been very rash & inconsiderate, &, he could freely say, offensiue, & he was truly sorry that he had had noe better rule of his owne spirit, & he was very sorry y^t he did soe suddenly take occasion to decline the good & seasonable counsell & advise of Mr. Davenport, which he honored, & resolved agst when he came to y^e court, soe far as any writing hath been giuen forth by him to pmote any vnjust or publicke disturbance, & for y^e future he resolves against the disturbance of the place & gouern^t, & to submit to it for future, whiles he continue vnder it, & he hoped the candor & clemency of this court in accepting heereof will not repent them.

Bray Rosseter.

May 27, (62.)

[321] || Whereas besides some offensiue expressions & carriages against the authority & lawes, there hath beene witnessed some speeches of mine either against the church or any person or persons in Newhauen, I doe condemne such speeches as scandalous & very offensiue, & shall acknowledge it according to rule vnto y^e persons injured, desireing pardon, promising and resolving (wth Gods helpe) to be more watchfull against any such rash & p^rouoking expressions for y^e future, and doe pmise to auoyd any disturbance of y^e publique peace & gouernment of this jurisdiction, and to submit to this gouernment while I continue in y^e jurisdiction.

John Rosseter.

There being noe deputies come from Southhold to this court, the court taking their state into consideration agreed to send the two following orders by the hand of Thomas Turry, which was done, viz:

This Gen^l Court now assembled, after some expectatiō of your deputies cominge ouer as formerly, were vpon Thomas Turries arriual giuen to vnderstand that there was not any to be expected at this session of y^e court, wherevpon this gen^l court for y^e colony of Newhauen tooke into consideration (after they had consulted with y^e sd Thomas Turry,) w^t might pbably best conduce to the good of Southhold, and in order wherevnto they haue by this court chosen Mr. Withm Wells &

Capt' John Younge cõmission^{rs}, wth three such oth^{rs} of yo^r freemen as by y^e sd̃ freemen shalbe chosen assistants vnto them, and which shall haue y^e same power to appoint & keepe courts for y^e triall of all cases in Southhold for this yeare ensueinge as oft as they shall ordinarily or extraordinarily judge needfull, according to the same commissions granted vnto them y^e last yeare, and whoe are by this court authorised to administer their oathes one of them vnto anothe^r, & either of y^e sd̃ cõmission^{rs} vnto y^e rest.

To y^e Deputie or Deputies of Southhold.

Whereas y^e Gen^l Court for this Colony now sitting at New-hauen are informed y^t seuerall psons of yo^r towne & plantatio haue refused to pay their rates layd & demanded acco^rding to the lawes of this jurisdiction, you are therefore hereby, in y^e name of the sd̃ gen^l court, to aske, demand & require y^e sd̃ rates of them & euery of y^m who are yet behind, & pay the same into y^e hands of such as are apointed by you to receiue y^e said rates & to returne y^e same to y^e treasurer at New-hauen; and for default of such paym^t to returne the name or names of such person or psons soe refusing to this court to be pceeded against according to law.

Francis Browne of Stamford desireing of y^e court both for himselfe & in y^e name of diuers of Stamford as he sd̃, that they might haue y^e helpe of y^e gouern^r & some magistrates to keepe court at Stamford, for y^e issueing of some differances there, he being asked whoe should beare their charges? answered that they would doe it.

[322] || It was ordered y^t a single rate be leuied from all y^e plantations & pprietors of Paugausett to be payd into y^e jurisdiction treasurer att New Hauen in such pay, & at such prizes, & at such time as formerly. Which is thus pportioned,

New Hauen,	74 ^l 02 ^s 04 ^d .
Milford,	46 02 08.
Guilford,	31 10 06.
Stamford,	24 19 08.
Brandford,	14 12 08½.
Paugausett,	01 18 05.

193 06 03½.

Southholds pportion was not brought in.

AT A MEETING OF Y^e COMMITTEE FOR Y^e COLONY SCHOOLE, AT
NEW HAUEN THE 18th OF JUNE, 1662.

The Co^mittee considering of y^e busines left to them about y^e laying downe or continueing of y^e colony schoole, after serious debate of the busines did thus conclude, that finding not sufficient grounds of discouragement at p^rsent soe as to lay it downe, did leaue it to goe on for further tryall, vntill the gen^l court should againe meete, desireing that those whoe haue any children fit to send that they would send them to it for y^e encouragem^t of y^e schoole.

AT A COURT OF MAGISTRATES HELD AT NEWHAUEN THE 15th
OF OCTOB: 1662.

Present, the Gouern^r, De: Gov^r, Mr. Jones, Mr. Feñ, Mr. Treate & Mr. Crane.

Taphanse an Indian was brought before y^e court, whoe hath a long time since lay vnder a suspicion of being guilty of y^e death of one John Whitmore of Stamford, but by his flieing (as was informed by y^e govern^r) hath euaded co^meing to a trial, but of late haueing intelligence that he might be taken the gouern^r sd he gaue order for his app^rhending, according to the order of y^e co^mission^{rs} formerly, which was accordingly done, & hath been kept in durance for some space of time. The gouern^r alsoe informed y^e court y^t he had acquainted y^e co^mission^{rs} lately wth what was done, which they well approued & desired y^e matter might be brought to an issue concerning him, for which cause he was now called before y^e court, & there was Mr. Minor p^rsent to be the interp^rter betwixt them, who first informed y^e Indian vpon w^t account he was there, to p^ruent any p^rjudice against him; then he was wished to tell Taphanse that y^e court was met to attend the busines for which he was examined about at Stamford, then his examina-
[323] tion taken at Stamford was p^resented & read, || then some questions was put to him vnto which he was to giue answ^r. 1 Que:, whether he was guilty or not guilty of y^e

death of John Whitmore. He answered not guilty. 2 Qu. then why did he fly away? He answered y^t he did not run away, but was sent to y^e place where the murderer was & did not at all run away. The gouern^r told him y^t y^e was not according to his form^r answe^r, for he being with some others giuen them y^e slip.

Taphanse desired that y^t might be cleared, for which some testimonies was read, & first the testimony of John Mead, which is as followeth, viz:

That he being at goodman Lawes house about sunrising y^e second morning after goodman Whitmores missing, in short time after him Taphanse came in & told goodman Law y^t Ponas had sent him, & told him y^t there was an English man kild, goodman Lawes askt him where it was y^t y^e English man was kild, Taphanse answered y^t he knew not how far off, whether ten, twety or thirty miles off, but pointed to goodmā Law y^t it was vp the riuer ward, Goodman Laws askt him whoe or w^t Indian it was y^t kild y^e man, Taphanse sd it was an Indian y^t liued vp neare the Mohaukes & y^t y^e Indian told them at their wigwams y^t he would kill an English man, & y^t they pferred him wampom not to doe it & y^t y^e Indian would not receiue y^e wampom but went away very angrie, & further y^t vpon goodman Laws questioning wth him he sd y^t this Indian (nameing him Taquatoes) went away in hast & left a stocking at their wigwams; goodman Laws spoke to him to stay & he would goe wth him to the wigwom, & as they were goeing he trembled & shakt soe y^t seuerall of vs tooke notice of it & goodman Laws tooke notice of it wth y^e rest & sd y^t his carriage argued guilt, & when they came to the wigwom, Taphanse shewed them the stocking (which he sd) Taquatoes left behind, and further saith y^t Taphanse slipt into anoth^r wigwom, & soe from wigwom to wigwom, & soe slipt away from y^m & returned not wth them to helpe looke y^e man y^t was kild as he had pmised to doe at goodman Lawes house, although seuerall Indians y^t had not pmised (as he knew of) came from thence wth them to helpe looke y^e man as they p^rtended. Stamford, July 2^d, 1662, attested vpon oath,

John Mead,
his I marke.

before vs, } Fra: Bell,
 } Richard Law.

The testimony of Richard Ambler, he affirmeth as followeth, viz: That he wth goodman Jessop came to goodman Laws y^t morning Taphanse brought the newes of an English man being kild, & y^t goodman Lawes askt Taphanse how he knew there

was an English man kild, y^t Taphanse answered y^t there was an Indian at their wigwoms before & sd he would kill an English man, & y^t after he had kild him y^e Indian came againe & brought wth him a shirt & a paire of stockings & y^t some of y^e things was bloody; this Richard Ambler affirmeth y^t goodm Lawes declared to them whoe was there as interp^rting w^t Taphanse sd, and y^t in reference to their goeing to the wigwams, y^t Taphanse pmised to returne wth them againe & helpe looke the English man, & in their goeing he was very fearefull, & trembled & quaked much, soe y^t he & y^e rest tooke [324] || great notice of it & sd often one to anothe^r & Goodman Law with the rest, y^t he thought Taphanse was guilty of y^e blood of y^e man, & y^t when they came to y^e wigwoms, Taphanse shewed them a stocking which hee sd Taquatoes left there, & notwithstanding his pmise to returne with them he gaue them y^e slip & returned not, yet seuerall oth^r Indians came thence to helpe looke y^e man with them. Furthermore he saith y^t the stocking which Taphanse shewed them and told them y^t Taquatoes left there was bloody.

This 2^d of y^e 5th m^o: 1662, giuen in before vs vpon oath,
Richard Law,
Francis Bell.

These being read & told him by y^e interp^rter, Taphanse answered that he is not guilty of these things, viz: of his ruⁿing away at y^t time, & denied those things about y^e stockings, & sd alsoe it was a mistake y^t euer they see any of those things soe far as they went with him, & further sd that after this he went vp further into y^e country. But to cleare y^e first of his ruⁿing away the gouerno^r told him y^t one time Vncus he was sent to seeke the dead body & this Taphanse was with him wth other Indians, and as they was rosting of venison, Taphanse goeing a litle from them ran away, soe y^t Vncus brought word that Taphanse was matchet. Taphanse being told this, he acknowledged it y^t it was soe & that he did very ill in soe doeing, and being askt the reason of it, he sd that an Indian came & told him y^t Vncus would take him & carry him away & therefore bid him run away & soe he did. Then it was put to him why he should ruⁿ away more then another Indian if he was cleare, the gouern^r sd they had neuer any good answ^r of it; he answ^rd if he knew himselfe guilty he would speake, but he was afayrd & therefore did fly, & is sorry he soe did, for he did euill & gaue just cause of suspicion.

Then he was asked how he knew y^t Taquatoes did y^e murder, because he alwayes s^d it, was he by? He answered he had it from an Indian, and named his name, & s^d that y^e sachem of Crowton sent an India to Ponas, (the next day after Jⁿ Whitmore was killd,) to tell them y^t an English man was killd, & it was about sunset & they aduised Taphanse not to come to tell y^e English while next morning. Now this Crowton is neare 40 miles from thence, which caused this question to him, How Taquatoes could doe this murder y^t day & after goe to Crowton, (seeing it was about eleuen of clocke when John Whitmore went out of Stamford,) & then send downe this word the next day to Ponas? Taphanse answered that it is not halfe a dayes journie if he stir betimes. Then he was askt whether he saw Taquatoes that day John Whitmore was killed? He answe^rd that two dayes before he was at Norwalke & saw him there, but whether he went he knew not, & that he knew nothing of his intendment & s^d he gaue them his heart in this. Then he was askt whether he was at John Whitmores house y^t day he was killd? He answered noe, nor at Stamford all that day; and being asked where he was then, he s^d at his fathers, making of wampom. Now here was a testimony of Anne Akerly read, which is as followeth, viz:—

[325] || The testimony of Anne Akerly, widdow, of about seuentie fve yeares of age. The s^d deponent vpon oath testifieth that y^e same day (a litle in y^e afternoone) that goodman Whitmore was killed, shee did see the Indian called Taphanse at goodman Whitmores house with oth^r Indians, & y^e s^d Taphanse shooke her (the wife of goodm Whitmore) by y^e hand, and asked her where her netop was, for he soe big loued her netop, then she replied that shee could not tell.

This deposed vnto vpon the 2^d July, 1662.

Fra: Bell,
before vs, Rich: Law.

And it was s^d y^t vpon this goodwife Whitmore was in such an extacy that shee feared some mischeife was befallen her husband, & it was s^d y^t seuerall at Stamford saith y^e same that goodw: Whitmore s^d soe, & y^t Taphanse lies in this busines. He answered, what shall he say if testimony come in against him, but if he speake the truth he must say he was not there & y^t it was a mistake & y^t she would not speake it

to his face, & this (y^e interp^rter s^d) he spake in such a phrase as noted his confirmation of it more then ordinary, that if Manatue was here he would say the same as he doth. Then he was questioned about another passage that rendered him very suspicious, y^t he knowing himselfe & Taquatoes vnder suspicion in this busines & yet he seeing Taquatoes at Stamford y^e last winter & yet did not discouer, (which might haue been a fayre way to haue cleared himselfe,) but hides the guilty pson. He answered that was very true that case might make him suspicious, but the English neuer spake to him to doe it, & if he had done it it had beene a faire way; hee confest he did foolishly. Then he was askt how he came to goe soe readily to the place when they went to looke the body, when as he had shewed a strangenes before as if he knew nothing? He answered y^t he knew it well enough, for Taquatoes told him y^e very place of ground. He was askt how he came to know it? He s^d that Mr. Lawes sent him to know it of Taquatoes, & being at Mattatuckes he was weary & soe sent by an Indian to wish Toquatoes to meet him there, & soe he did & told him y^e place; and further s^d he thinks many English here knowes the murderer & that neither English nor Indian could say that two kild the man. Then Taphanse was askt if he had any thing else to say? He answ^rd all he hath to say is y^t he is innocent. Then the whole examinatiō was read, & Mr. Minor y^e interp^rter was asked if it was according to truth. He answered it was fully expressed, not more nor lesse, but very well. Then Taphanse was askt how he came to haue such corospondencie with Taquatoes about this thing more then another Indian? He answered as before, that Mr. Lawes sent him to know it of Taquatoes, &c. He was asked if the Indians at Mattatuckes was friends to Taquatoes? He answ^rd that it was all one his owne countrie. Then Mr. Minor s^d that he had been often among the Indians when mischeife was done among y^e English, & that those Indians that was innocent would tremble for feare.

The Court considering the case pceeded to sentence, which the gouerno^r in the name of y^e court declared thus as followeth, viz:

[326] || That it appeares to them and to all standers by against him, that he is by his owne acknowledgement to be suspected of being accessary to this mans murder, both in his trembling & comēing to the wigwam that he slipt away contrary to his pmise of helpe, & another time vpon y^e same account wth Vncus both of trembling & running away, & this to be added that he is guilty of lieing about y^e stockinge, &c, & in y^t oth^r passage as is testified by one vpon oath & was sd by many at Stamford that the children & wife of John Whitmore often sd it that he was at their house that day in such a fauning way, & that comēing of Taquatoes to meete him at Mattatuckes shewes corospondencie with him & y^t this (as he saith) of Mr. Lawes sending him was neuer brought to them at Stamford, alsoe that other passage of his not discouering of Toquatoes when he was at Stamford, which was a duty vpon him for his owne clearing whoe stood supicious of guilt, that in y^e whole there stands a blott vpon him of suspicion that there was sufficient ground for his ap^rhending & comitting to durance, & all y^t he hath sd at this time cañot cleare him of a stayne of suspicion; but as being guilty of y^e murder directly or accessary he did p^rounce him not guilty in point of death, but yet must declare him to stand bound to pay all charges that hath beene about him, & leaue him guilty of suspicion, & y^t he stands bound as his duty to doe his best endeauor to obtaine y^e murderer, & now to remaine in durance vntill y^e next session of y^e court about a fortnight hence, except he can giue some assurance of his payinge the charge before, which charge was concluded to be ten pound.

Taphanse answered that he would doe his vtmost endeauor to pcure Taquatoes, & for the charge he is poore but he will send to his friends to see w^t may be done in it, but desired y^t his chaine may bee taken off. He was told then he would run away. He answered that vpon his running away he confesses himselfe guilty & sd they should kill him. Vpon this he was granted to be at liberty soe y^t he appeare at the next meeting of y^e court, which he p^rmisid soe to doe although he could not obtaine the money.

John Cooper ppounded that there might be a review of the

action concerning y^e mare sometimes in question betwixt Mr. Pierson and himselfe wth Mathew Moulthrop senior, which was issued at a court of magistrates held the 28th of May, 1660, but was left with this liberty of a review for him or any other y^t could lay a b^{etter} claime; he desired therefore the matter might be considered & what he had further to say in y^e case, for he thought the thing stood not vpon its right bases. He desired his witnesses might speake & y^t y^e testimony of Jonathan, seruant to M^r. Peirson, giuen in court May 23th, 1659, may be considered & he would answ^r to it, which case is at large in page 195 & 196 of this booke; & first the testimony of Serj^t Beckly was read, as in page 196, & he now p^rsent tooke oath to it; M^r. Peirson being askt if he did accept [327] it, answered y^t he should leaue it to y^e court. || Then John Coop^r desired Thomas Harrison might speake, whoe testified vpon oath by way of addition, viz: that y^t colt which he then s^d was a bay was that which goodman Cooper bought of John Wood, & by way of explanation now saith was a blacke bay.

Then John Cooper desired y^t Mathew Moulthrop junior might speake, whoe testified as followeth, viz: first that this mare which M^r. Peirson hath in his possession is y^t which goodman Cooper bought of John Wood. Math: Moulthrop senior s^d he could say y^e same. 2. That he saw this mare when it was marked on y^e eare by goodman Cooper in his fathers yard, being taken vp by his father for John Wood & left tied there, & then John Wood went & sold it to goodman Cooper, & y^t he saw John Wood deliuer it to goodman Cooper. 3. That about foure or fve moneths after he was there when shee was branded & he saw the marke on y^e eare which goodman Cooper gaue, & then y^e cut was growne vp but they felt y^e seame. Math: Moulthrop senior s^d alsoe y^t he saw it with his eyes & saw it often.

M^r. Peirson put this question (then) whether John Wood had power to sell his mare?

John Cooper further s^d that Edmund Toolie could speake something further to y^e case, but he was not yet come from Branford as he expected him.

Mathew Moulthrop senior then declared that he knew the mare of Westalls or John Woods before she had a foale & there was another the yeare before shee was carried vp to Connecticut, & the next spring betimes shee was come downe & he saw her with a young colt at a meadow called Mr. Cranes meadow, which colt he takes to be this mare which Mr. Peirson hath in his possession. He further sd̄ that he alsoe knew Mr. Peirsons mare & saw her y^t same yeare with a colt with her of a dun coulo^r & soe kept its coulo^r that yeare, and y^e next spring after he saw Mr. Peirsons mare & then shee had noe colt with her that he thought it was lost y^t winter.

Mr. Peirson then sd̄ that he knew his colt when it sucked & tooke notice of it y^t su^mer, & that y^e next su^mer after he saw such a colt which he tooke to be his.

Abraham Dowlittle ppounded to haue fīue pound for keeping the Indian Taphanse about seenteene weekes time for all his charges and trouble about him. The court thought it moderate & granted it.

It was agreed & ordered y^t the 23th day of this moneth be kept a day of publicke thankesgiueing through y^e colony on y^e maine, (excepting Stamford, not haueing sufficient time to giue them notice, therefore it was left to them to take the [328] fittest season,) for the mercies of y^e yeare past, || and that the 29th day of this moneth be kept a day of extraordinary seeking of God by fasting & prayer for his guidance of the colony in this weighty busines about joineing with Connecticut colony, &c,* & for the afflicted state of y^e church & people of God in o^r native country & in other parts of y^e world.

* The charter granted to Connecticut was presented and read at the meeting of the Commissioners of the United Colonies in Boston, September, 1662, who took notice of his Majesties favor as being very acceptable to them, and advised "that wherein others may be concerned, the said gentlemen wth such others doe attend such waies as may conduce to righteousness, peace and amity, and that the fauour shewed to y^e said colony, or any other, may be ioyntly improved for the benefit of all concerned in the said charter."

In the margin of that copy of the Records of the Comissioners printed in ii. Hazard St. P. is the following note, which is not found in the Connecticut MS. "Wee can not as yett say that the procurement of this Pattent wilbe acceptable to vs or our Collonie, Willam Leet, Benjamine Fen."

The General Assembly of Connecticut, at its session begun October 9th, 1662, having received information that the major part of the inhabitants of Southold had empowered Capt. John Young as their deputy, accepted that town under its govern-

The will of Wiſſm Potter being referred by Newhauen court to this court, was p^resented, and by widdow Potter desired to know y^e mind of y^e court whether it should stand or noe, (which being read,) it was asked her if any had any thing to say against it? She answered yea, her sonne Joseph, but after some speech with him Joseph sd that his mother & he had agreed & was satisfied y^t it should stand, & the widdow declared y^e same in reference to her other children. Then y^e court vpon that ground that nothing being p^resented by any to y^e contrary ordered it to stand, & left it to Newhauen court for y^e prooueing of it & to order that part which concernes y^e children.

Wiſſm Payne appeared to make complaint against John Frost for some sinfull miscarriages towards his children & some others. John Frost haueing beene examined before y^e magistrates of Newhauen, Septemb. 8th, (62,) was comitted to prison & after bound ouer for his apearance at this court, whoe being called now appeared. Then Wiſſm Paine was calld to speake what he had to lay against him, whoe desired y^t his children might speake, & being called, first his sonne John Payne spake as followeth, viz.

[About three pages of the manuscript containing the testimony in this trial, are omitted.]

[331] The Court haueing considered y^e matter pceeded to sentence, which is as followeth, viz:

That John Frost be corporally punished by whipping, & for his inueiglements by gift, as shee saith, & he makes noe proof to y^e contrary, but graunts y^t he made loue to her without the

ment, appointing Capt. Young a commissioner with the power of a particular magistrate, and admitted some twenty-five of the inhabitants freemen.

Several inhabitants of Guilford tendering themselves, their persons and estates, were accepted and promised protection, and were advised to carry peaceably and religiously toward their neighbors who had not yet submitted, and to pay their just dues to the minister and other public charges due to that day.

Stamford and Greenwich were likewise accepted, upon the same terms and provisions as directed for the inhabitants of Guilford, and Richard Vowles sworn constable for Greenwich, and Robert Usher appointed for Stamford.

A committee was also chosen, consisting of Mr. Mathew Allyn, Mr. Wyllys, Mr. Stone and Mr. Hooker, "to go down to N. Hauen to treat wth y^e gent: and others of or lo: freinds there." They arrived at New Haven during this session of the court, (Oct. 16 or 17,) and presented a copy of the charter, and another paper which is found ~~post~~ p. 468.

knowledge and consent of her parents, that he pay forty shillings as a fine to y^e jurisdiction, according to the law.

And for Mercy Payne, that shee alsoe be corporally punished by whipping, for her sinfull compliance with him in such wickednes, as herselfe confesseth.

And for John Payne, that he be whipt in y^e family.

W^m Payne pleaded that his daughter had some weakenes [332] vpon her || since the women had searched, which was not fit to be mentioned here, & therefore desired that her punishment might be forborne & passe it by with a fine. The court considered of what he had to say the next morning & did revoke the former sentence concerning her & did sentence that he pay for her fifty shillings as a fine to the jurisdiction, and for any damages & just charges which hee pleaded, it was left to Newhauen court to consider of when hee should p^rsent them, & to allow him that which is according to law.

It was agreed to bee ppounded to the seuerall plantations that all due meanes be vsed for y^e staying of hides & leather till furth^r order.

AT A MEETING OF Y^e FREEMEN OF NEWHAUEN COLONY, HELD
ATT NEWHAUEN, NOVEMBER 4th, 1662.

The Gouvern^r informed them that they was not ignorant of y^e occasion of this meeting,* they knowing that some gent['] of

* On the 31st of October, two days after the fast, there had been a general court or town meeting at New Haven, when the Deputy Governor read to the assembly the copy of the Charter and the writing from Connecticut, with the answer given to it by the New Haven committee, and desired them to consider what further answer to return. The following from the New Haven Town Rec. iii. 7, shews what proceedings took place.

"Mr. John Davenport, pasto^r of y^e church of Christ at Newhauen, declared vnto the towne that he wrote to Mr. Winthrop (before he went to England) not to haue any hand in such an vnrighteous act as to involve vs in their Pattent. To which he writt to him in two lett^rs, one from Mattabesicke & another from y^e Manhatoes at his goeing away, part of which was read, wherein he expressed his contrary purpose & the expressions of some other of their magistrates to y^e same purpose. And alsoe Mr. Davenport p^resented a lett^r (which he receiued y^e last night from Mr. Rich Lawes of Stamford) and read it to y^e towne, wherein was intimated their sad state by reason of y^e turbulent carriages of some of their inhabitants which Connecticut colony had admitted, & soe dismembred vs, & some would say they was rebels against y^e king & y^e jurisdiction of Conecticot. Alsoe he further informed y^e towne of y^e treatie they

Coñecticut had beene here, & had left a coppie of their Patent & another writing vnder their hands, both which was now read, and alsoe the answ^r of o^r co^mittee to their writing, which writing & answ^r is as followeth,

To o^r much Hono^rd & Reve^rnd Freinds of Newhauen, Milford, &c, to be co^municated to all whom it may concerne.

We declare y^t through y^e good puidence of y^e Most High, a large and ample Patten^t, & therein desireable privilidges & i^munities from his Maj^{tie}, being come to o^r hands, (a copy whereof we haue left with you to be considered,) and yo^rselues vpon y^e sea coast being included & interested therein, the Kinge haueing vnited vs in one body politique, we according to y^e co^mission wherewith wee are betrusted by y^e Gen^l Assembly of Coñecticott doe declare in their name that it is both their & o^r earnest desire y^t there may be a happy and comfortable vnion betweene yo^rselues & vs, according to the teⁿor of y^e Charter, that inconueniences & dangers may be p^rvented, and peace & truth strengthened & established, through o^r sutable subjection to y^e tearmes of y^e Patten^t, and the good blessing of God vpon vs therein.

We doe desire a seasonable
returne herevnto.

Mathew Allyn,
Sam^l Willis,
Sam^l Stone,
Sam^l Hooker,
Joseph Fitch.

had with those gent. of Conecticut aforesd, & how they had shewed them y^e wrong they had done vs, in dismembring of vs at Stamford, Guilford, & Southhold, & all this before they had consulted with vs, & shewed them their euill therein, but received noe satisfaction from them about it.

"Mr. Davenport alsoe ppounded sundrie reasons to be considered, both why we was not included in Conecticut Patten^t, and alsoe why wee may not voluntarily joine with them, with some directions w^t answ^r to returne, that soe they may see their euill in what they haue done & restore vs to o^r former state, that soe we & they may liue together in vnitie & amitie for y^e future.

"The Deputy Govern^r declared y^t y^e things spoken by Mr. Davenport was of great weight, and he desired all present would seriously consider of them.

"Mr. Streete, teacher of y^e church of Christ at Newhauen, declared that he looked vpon the reasons ppounded by Mr. Davenporte to be vnanswerable & y^t both church & towne had cause to lesse God for the wisdom held forth in them & wished them to keep ey^e ends & rules of Christ in their eye & then God would stand by them, & did second the directions giuen, with one scripture, out of Essay 14, 32, & from thence did advise y^t our answers should be of fayth & influenced with faith & not of feare.

"The matter was largely debated & sundrie exprest themselves as disliking the pceedings of Conecticot in this busines, as Leiftenn^t Nash, Mr. Tuttle, Mr. Powell, &c, & desired some answer might be giuen y^t way with a desire of restoring vs to o^r former state againe, and then by generall vote declared their disapproouing of y^e maner of Conecticut Colonies pceeding in this busines."

To o^r much Hono^rd & Reuerend Freinds, the Co^mission^{rs} from
the Gen^l Court of Conecticott, to be co^municated, &c.

Much Hono^rd & Reverend,

We haue receiued & pvsed yo^r writing, and heard the copy
read of his Maj^{ties} L^res Pattents to Coⁿecticott Colony, wherein
although we doe not find the Colony of Newhauen expressly
[333] included, yet to shew o^r desire that matters may || be
issued in y^e conserving of peace & amitie with righteousness
between them & vs, we shall co^municate yo^r writing & y^e
copy of y^e Pattent to o^r freemen, and afterwards wth conuen-
ient speed returne their answer. Only we desire y^t y^e issuing
of matters may be respited vntill we may receiue fuller inform-
ation from the Hono^rd Mr. Winthrop or satisfaction otherwise,
and y^t in the meane time this Colony may remaine distinct,
intire & [vn]interrupted, as heretofore, which we hope you
will see cause loueingly to consent vnto, & signify y^e same to
vs with conuenient speed.

[Newhaven,
17th of Octobr,
1662.]*

Withm Leeds:
Mathers Gilbert
Berniamia Abram
Felper Oxman
Robert Treat
Jem Jones.
John Dadeports
Nicholas Smith
Abrah. Hixson
Boyer Montome

* The date and the names of the magistrates and elders who signed this answer are

Then y^e Gouvernor told y^m y^t they had heard y^e writings & pattent, & there was two things in their writing to be answered too; first, that they declare vs to be by y^e king made one body politique wth y^m & interested in their pattent; 2, they desire a happy & comfortable vnion for peace & truths sake, &c, now to these two you must giue answ^r, & then dismissed y^e assembly to consider of it for y^e space of one houre & halfe, & then to meete againe at y^e beate of the drum.

Then y^e company being come togeth^r in y^e afternoone, the gouern^r told y^m y^t they knew w^t was left with y^m, for they had heard y^e pattent & the writings read, therefore he desired to know their minds, for he hoped they might haue some helpe from among o^rselues, mentioning M^r. Davenport.

Then M^r. Davenport (pastor of y^e church of Christ at N. Hauen) sd that according to this occasion he should discharge the duty of his place & should reade to them his owne thoughts, (which he had set downe in writing,) which he desired might remaine his owne till they was fully satisfied in them, & furth^r sd he should leaue others to walke according to y^e light that God should giue them in this busines, & soe read some reasons why we was not included in y^e pattent, & alsoe why wee might not voluntarily ioine with them, & soe vpon desire of some left his writing with them to consider of.

Then y^e Gouvern^r told y^m that they had heard the thoughts of M^r. Davenport concerning both y^e pts of y^e writing & had left them with them y^t they may doe y^t which may be to Gods acceptance, therefore desired them to speake their minds freely, for he desired y^t the freemen themselues would giue the substance of the answer voluntarily. The gouern^r further sd y^t for his part he should not be forward to leade them in this case, least any should thinke him ambitious of the place, but desired that y^t might be done which is according to the will of God. Then the matter being largely debated, at last came to this conclusion, to haue an answer drawne vp out of these three heads; first, that there be due witnesbearing against

not upon the Record, but are taken in fac simile from the original document, (which is in the handwriting of William Jones,) preserved among the Records in the State Library at Hartford, Miscellaneous, i. doc. 68.

their sin; 2, that there may be a deferring of things till Mr. Winthrops coming, or we [^] satisfaction otherwise, & y^t we remaine in y^e same state as we are till then; 3, that we can doe nothing till wee consult with the other confederates. Then the aduise of y^e comission^{rs} about this pattent was read, & considered how contrary to that righteousnes, amity & peace, o^r neighbors of Coⁿecticott had carried towards vs. Then they considered of a comitte^e to draw vp an ans^wr into forme & to annex some weighty argum^{ts} therevnto, to send to y^e gene^{ll} assembly of Coⁿecticott, & considered alsoe about making addresse to his Maj^{tie} if o^r ans^wr p^rvaile not. The [334] comitte^e apointed was || the Magistrates & Elders of this Colony in generall, wth bro. Law of Stamford, & these to conclude according to the major part of them in session. It was left wth this comitte^e to send this ans^wr, &c. to w^t p^{er}son they see most conuenient, to be com^unicated to their gen^{ll} assembly.

The freemen expressed themselues desirous y^t the magistrates would goe on in their worke, & they looked vpon themselves bound to stand by them according to o^r lawes here established.

NOVEMB: 5th. AT A GENE^{ll} COURT HELD AT NEWHAUEN FOR
Y^e JURISDICTION, 1662.

It was ppounded as a thing left (to be issued at the next gen^{ll} court after May last,) by y^e comitte^e for y^e schoole, whether they would continue y^e colony schoole or lay it downe. The busines being debated, it came to this conclusion, that considering y^e distraction of y^e time, that y^e end is not attained for which it was settled noe way pportionable to y^e charges expended, & that y^e colony is in expectation of vnavoydable necessary charges to be expended, did conclude to lay it downe, & the charges to cease wⁿ this halfe yeare is vp at y^e end of this moneth.

It was ppounded & considered about N. Hauen paying backe part of the 100^{li} graunted for the encouragem^t of y^e

colony schoole, & in y^e issue thus concluded, that it be ppounded to N. Hauen towne to pay backe 40^{li} of the 100^{li} into the jurisdiction treasury, but y^e deputies for N. Hauen told y^m y^t y^e colony schoole had occasioned a considerable charge to y^m about y^e schoolehouse & other wayes more then else they need haue expended in that way, & that they was ready still if they would continue the schoole to pforme their conditiō to puidе schoole house & house for schoole master if need require.

Mr. Pecke ppounded about some differance betwixt the treasurer & himselfe in making vp their accounts, but the court left it to them to issue it betweene themselues.

It was alsoe ppounded about 4^{li} abated of Mr. Peckes sallary, for some time that he left y^e schoole, whether it should not returne to y^e jurisdiction. It being debated, it was by vote concluded that soe much of it as is pper to them should, & the rest to N. Hauen.

The busines about the sallaries to y^e govern^r, deputy govern^r, &c, being left in May last, was now concluded to be as the last yeare.

John Herriman ppounded about 1^l, 17^s, 2^d, which was not brought to account with Mr. Wakeman, he desired it might be allowed him. He p^rsenting his accounts as cleare that it was due, the court thought it just it should be allowed him.

The Co^mmittee apointed by the freemen was confirmed by this court to stand vntill the gene^{ll} court in May next, according to the power giuen them in May last.

It was ordered that all rates already granted by the jurisdiction & all debts due to the jurisdiction should be forthwith demanded & required from all y^e plantations.

It was againe ppounded about stopping of hides & leather, but nothing was done in it at this time, there being some report y^t Coⁿecticott had repealed y^t order.

[335] The Answer of the Freemen drawne vp into forme by the Committee & sent to Connecticut Gen^{ll} Assembly, is as followeth,* viz^t—

Honor^d Gent^r,

We haue heard both y^e Pattent & y^e writing read which those gent^r (whoe sd they was sent from yor^e Gene^{ll} Assembly) left wth o^r Committee, & haue considered y^e contents according to o^r capacities. By the one wee take notice of their declared sence of y^e Pattent & alsoe of yor^e desire of o^r vniting wth yo^rselues vpon y^e account. By the other we vnderstand that his Maj^{tie} hath been graciously pleased (at yor^e earnest petition) to grant liberty to y^e Colony of Connecticott to acquire, haue, possess & purchase, &c, w^{te}uer lands, &c. you haue gained or shall gaine by lawfull meanes within the p^{re}incts or lines therein mentioned, & alsoe of his abundant grace to allow & establish you to be one body politique, for manning all yor^e publique affaires & gouernm^t in a religious & peaceable maⁿer, to y^e intents & purposes by his Maj^{tie} & y^e adventurers therein p^{re}sented, ouer all p^{er}sons, matters & things, soe gained by purchase or conquest, at yor^e owne p^{er}per costs & charges, according as yo^rselues informed you had already done. Now whateuer is soe yo^re, we haue neither purpose nor desire to oppose, hurt or hinder in y^e least; but wth ourselues (by like lawfull meanes) haue attained, as to inheritances or iurisdiction as a distinct colony, vpon o^r most solemne & religious couen^{ts}, soe well knowne to his Maj^{tie} & to all, we must say that we doe not find in y^e Pattent any com^{mand} giuen to you, nor prohibition to vs to disolue couen^{ts} or alter the orderly settlements of New England, nor any sufficient reason why we may not soe remayne to be as formerly. Alsoe yor^e beginning to p^{er}cure and p^{re}ceeding to improoue the Pattent without vs doth confirme this beleife; but rather it seemes y^e a way is left open to vs to petition for y^e like fauor, & to enter o^r appeale from your declared sence of y^e Pattent, & signify o^r greiuances. Yet if it shall appeare (after a due & full information of o^r state) to haue beene his Maj^{ties} pleasure soe to vnite vs as you vnderstand the Pattent, we must submitt according to

* The original letter is not preserved.

God; but for y^e p^rsent we caⁿot answ^r otherwise then o^r co^mitte^e hath done, & likewise to make y^e same request vnto you, that we may remaine distinct as formerly, & may be succoured by you as confederates, at least that none occasion be giuen by yo^rselues for any to disturb vs in o^r ancient settlement^s, vntill y^t either by y^e Honor^d Mr. Winthrop, by o^r other confederates, or from his Maj^{tie}, we may be resolved herein. All which meanes are in o^r thoughts to vse, except you p^rvent, for y^e gaineing of a right vnderstanding, & to bring a peaceable issue or reconcil^ent of this matter, & we wish you had better considered, then to act soe suddenly to seclude vs from pattent priuiledge at first, if we are included as you say, and to haue soe p^rceeded since as may seeme to giue advantage vnto dissaffected p^rsons to slight or disregard oathes & couen^{ts}, [336] and || thereby to rend & make diuision, maⁿage contention & troubles in y^e townships & societies of this colony, & y^t about religious worships as y^e inclosed complaint may declare, which seemes to vs a great scandall to religion before the natives & p^rjudiciall to his Maj^{ties} pious intention, as alsoe to hold forth a series of meanes very opposite to y^e end p^rtended, & very much o^bscured from y^e beauty of such a religious & peaceable walking amongst English brethren, as may either invite the natives to y^e Christian faith, o^r vnite o^r spirits in this juncture, & this occasion giuen before any conviction tendered, or publication of y^e Pattent amongst vs, or soe much as a treatie wth vs in a Christian, neighborly way; noe p^rtence for o^r dissolution of gouern^t till then could rationally be imagined. Such carriage may seeme to be against the advise & mind of his Maj^{tie} in the Pattent, as alsoe of yo^r honor^d Govern^r, & to cast reflect vpon him, when we compare these things with his l^res to some here, for the avoyding whereof we earnestly request that the whole of what he hath written to yo^rselues, soe far as it may respect vs in this busines, may be fully co^municated to o^r veiw in a true copy or transcript of y^e same. We must p^rfesse o^rselues greiued hereat, & must desire & expect yo^r efectuall endeavors to repaire these breaches & restore vs to o^r former condition as confederates, vntill y^t by all or some of these wayes intimated we may

attaine a cleare resolution in this matter. Vnto what we haue herein ppounded, we shall adde that we doe not in y^e least intend any dislike to his Maj^{ties} act, but to shew o^r sence of yo^r actings, first & last soe much to o^r detrim^t, & to manifest the consequent effects to Gods dishonor, as alsoe to giue you to know how we vnderstand the Pattent, hoping that you will both candidly construe & freindly comply with o^r desires herein, & soe remoue the cause of o^r distraction & sad affliction that you haue brought vpon this poore colony, then shall we forbear to giue you further trouble, & shall pray to y^e God of spirits to grant vs all humility & to guide vs with his heauenly wisdom to a happy issue of this affayre in loue & peace, resting,

Gent': yo^r very loueing freinds & neighbours,
 y^e freemen of the Colony of Newhauen,
 & James Bishop, *Secretary*, in y^e name and
 by order & consent of y^e Co^mittee & freemen
 of N: Hauen Colony.

Postscript. We haue alsoe thought fit to send o^r reasons inclosed which are the ground of this answ^r we returne, & desire the whole may bee read & co^municated to y^e Gen^l Assembly, intreating an answ^r with all convenient speed, or from y^e Co^mittee if soe impowered.

[Then succeed six entire blank pages.]

[The General Assembly of Connecticut at their session March 11, 1662-3, "voted and desired the Dep: Gouvernor, Mr. Math: Allyn, Capt. John Talcot, and L^t Jo: Allyn, and for a reserue to y^e Maior, Mr. Willys, as a comittee to goe downe to N: Hauen, to treat wth o^r hono^rd and lo: freinds about settling their vnion and incorporation wth this Colony of Conect: And in case the comittee cannot effect an vnion, according to instructions giuen them by the court, that then they indeauour to settle a peace in the plantations vntil such time as they and we may be in a further capacity of issueing this difference, and to act in referenc herevnto as they iudge most meet." It was further ordered "that in case the comittee doe not issue an agreem^t wth N. Hauen gent: according to their instructions, before their returne, that then all propositions and instructions from y^e court, respecting vnion wth that people are void and of none effect." Trumb. Col. Rec. Conn. i, 396.

In consequence of the foregoing votes the following correspondence took place between the agents of the two colonies.

[In the handwriting of John Allyn, Conn. Rec. Miscellaneous, i. Doc. 69.]

Some proposals to y^e gent: of N. Hauen, &c, in reference to y^e firme settlement & incorporation wth us of Conecticut.

1st. We shall in no wise infringe or disturbe them in their order of

church gouernment, prouided we remaine free from any impositions from y^e supreem powers of England.

2. That those whoe haue been of y^e magistracy in N. Hauen Colony shall be inuested wth full power to gouern the people wthin those limits untill o^r gen^l assembly in May next.

3. That there shall yearly be nominated to election a proportionable number of Assistants in y^e plantations of N. Hauen, Millford, Branford & Guilford, as shalbe for y^e rest of y^e plantations in o^r colony.

4. That those whoe haue been freemen of N. Hauen Colony shall be forthwth admitted freemen of o^r corporation, unless any person be justly excepted against unto us.

5. That N. Hauen, Milford, Branford, Guilford, shall be a distinct county wherin y^e shall be chosen yearly such ciuill officers as may cary on all causes of iudicater amongst themselues wth extend not to life, limbe or banishment.

6. That ther shall be once a year at y^e least, a court of assistants at N. Hauen, to preuent unnecessary trouble & expence to those that doe appeal from y^e sentence of y^e former court, & to hear & determine all matters y^e respect life, limbe & banishment.

7. That each of y^e forementioned townes shall haue liberty to send two of there freemen as deputies to o^r next gen^l assembly.

9. That in case these o^r proposalls be not accepted before o^r departure then y^e are to be voyd and of noe effect.

8. W^euer priuiledges els you shall propound consonant to y^e tenour of o^r charter we shalbe ready to atend you therein.

N. Hauen, March 20, '63.

Math: Allyn,
Sam: Willys,
John Allyn.

Agust y^e 26, 63, we exprest o^rselues willing to confirme these priuiledges to & upon y^e sd inhabitants of N. H., M., & G.

[Answer of New Haven, in the handwriting of William Jones, Misc. i, Doc. 70.]

Whereas we discerne by the order of the generall court of Connecticut, dated March the 11th, 1663, that the gent^l, their comitte were limited to conclude at this p^rsent meeting wth vs, otherwise their pow^r ceases; our answer in generall is that we are not in a capacity soe to doe.

1. First, because we are vnd^r an apeale to y^e king wherevnto we doe adheare, and therefore cannot act contrarily wthout dishono^r to his maj^{ty} & p^rjudice to o^r owne right vntill his royall determinaçon be knowne in the question depending betweene vs.

2. Because we cannot in conscience conclude to dissolve o^r distinct colony by vniting wth Connecticut wthout the express consent of the oth^r coloneyes declared from their generall courts respectively.

3. Because we are limited by o^r freemen not to conclude any thing for altering o^r distinct colony state and governm^t wthout their consent.

Yet shall we in order to an yssue betwixt vs wth love & peace, w^{ch} we desire them by all loving cariages to promote, (in the interim

of o' deliberaçon,) consider of theire proposiçons & comunicat them to o' freemen, as we may have a convenient oportunity.

But whereas we observe in theire proposiçons y^t Stamford is left out, ~~as~~ if it were noe member of vs, we must & doe p^ress o'selvs vnsatisfied wth that omission, because we ap^rhend o'selvs bound to seek & p^rvide for theire liberties & comforts as o' owne. Willm Leete,

Newhaven 20th of 1st M^o, (§ 2.) in the name of our Comittee.]

[343] ATT A GENE^{ll} COURT HELD ATT NEW HAVEN FOR THE JURISDIÇON, THE 6^t OF MAY, 1663.

P^rSENT,

Deputies.

The Govern^r,
Deputy Govern^r,

L: John Nash, } for N: Hauen.
James Bishop, }

Jasper Guñ, } for Milford.
Rich: Baldwin, }

Mr. Jones, }
Mr. Feñe, } *Magistrates.*
Mr. Treat, }
Mr. Crane, }

Mr. Rob^t Kitchill, for Guilford.
Mr. Rich: Law, } for Stamford.
John Holly, }

L: Sam^{ll} Swaine, } for Branford.
Laurence Ward, }

The Gouvern^r informed the court of y^e state of things in reference to Connecticut & how the comittee had acted, & y^e p^rposalls of y^e gent^r of Connecticut was read with y^e ans^r of o^r comittee.

It was p^rpounded whether we should make any alteration of the vsuall time of our election, we standing in y^e state we doe & waiting for an ans^r to o^r appeale. After debate it was concluded as best to goe on with o^r election as formerly & make noe alteration, but stand in y^e same state we were when we made o^r appeale, & if any thing should come from Connecticut by way of phibition, then to haue a p^rtest ready to witnes against them, we being vnder an appeale to his maj^{tie}.

It was alsoe p^rpounded whether we should not send vp a remonstrance of o^r greiuances by their vnsutable carriages towards vs in y^e state wherein wee are, it being a question whether the gene^{ll} assembly of Coñecticott is rightly informed of o^r state, a draught whereof (being p^rpared) was read & well

approoued for the substance of it, & after debate vpon it was by vote concluded to be sent, only with alteration of some passages therein, which was done & sent to Major John Mason, that by him it might be comūicated to their gen^l assembly; a record whereof you haue entred here afterwards.

There was a l^re from M^r. Withm Wells of Southhold to y^e gouern^r now read to y^e court, wherein was intimated y^e sad state of Southhold & y^t ptly by the carriage of Capt. John Young in reference to Coñecticot, &c.* And it was thought meete that an ans^r should be sent to M^r. Wells to haue the matteriall passages attested as well as he can & sent hither, & y^t it be signified to y^m y^t they send deputies to o^r next gen^l court of elections, & take notice of their neglect y^e last yeare & of y^e complaints (that is reported) they made against vs to Connecticott, as haueing noe power to carry on ciuill affayres amongst them, although the court tooke y^e best care they could for them, & sent y^e same by Thomas Turry their messenger y^e last yeare.

One occasion of this court being to consider how jurisdiction charges may be defrayed, the jurisdiction being much in debt as y^e treasurer informed, there being diuers accounts of charges expended p^rsented from Guilford, Stamford & Branford, which being considered by this court, they did allow what they thought was just & did abate where they judged necessary; and in reference to the charges expended in y^e magistrates goeing to Stamford & keeping court there, y^t seeing part of their time was spent about the Indian Taphanse, [334] || it was ordered y^t one third part of the charge shalbe borne by the jurisdi^con, & the other two parts by the towne of Stamford.

And considering y^t y^e jurisdi^con is much in debt, it was ordered that halfe a rate be leuied from y^e seuerall plantations & pprietors of Paugausett.

* Complaint was also made to Connecticut, at the General Assembly, May 14th, 1663, of the unsettled state of Southold by reason of the ill carriage of several persons there. Mr. Mathew Allyn and Mr. Wyllys were therefore appointed to go to Long Island and, with the assistance of the other magistrates there, settle affairs at Southold, and examine into the case respecting Mr. Wells revolt since he took oath to Connecticut, and Capt. John Young and Barnabas Horton were chosen commissioners for the town, "with magistraticall power upon the Island." Trumb. Col. Rec. i, 400, 402.

As an addition to the printed law for diuorce, this following law was now ordered to be published, viz^t, That we this Gen^l Court, finding y^e law for diuorce already puided & in force, to be short in some cases that may fall out to further consideration, doe thinke fit to order, and it is ordered by y^e authority aforesd, y^e if any husband haue or shall wilfully desert his wife without her consent or just necessity, or any wife haue or shall soe desert & forsake y^e husband, & such wife or husband depart into other or remote parts of y^e world & remaine absent for the space of seuen yeares compleate from y^e time of such departure, & the party deserted haue noe certaine intelligence of or from y^e other pty deserting to be aliue & purposing to returne & doe not returne in that time, that then it shalbe lawfull for y^e pty soe disserted to sue forth a diuorce in y^e court of magistrates, and vpon due prooffe of the p^rmisses according to true intent & purpose of this law and judgm^t giuen in court accordingly, to pceede in marriage with any oth^r pson according to law puided in case of wilfull dissertion as in 1 Cor. 7. 15.

It was alsoe ordered that if there be not a seasonable nomination of psons for magistracy from y^e seuerall plantations of this jurisdi^con before y^e election, then it shalbe in y^e power of y^e freemen then p^rsent to nominate & choose such as may be thought fitt & necessary for the carrieing on of y^e affayres of y^e jurisdi^con in y^t respect.

The Remonstrance or Declaration sent to y^e Gene^l Assembly of Connecticott Colony from this Court is as followeth,* Gent^s,

The professed grounds & ends of yo^r & o^r co^meing into these parts are not vnknowne, being plainely exprest in y^e plogue to y^t solemne confederation entred into by y^e 4 colonies of New England, printed & published to y^e world, namely to advance y^e kingdome of o^r Lord Jesus Christ, and to enjoy the liberties of y^e gospell in purity wth peace, for which we left o^r deare natiue country & were willing to vndergoe y^e difficulties we haue since met with in this wildernes, yet fresh in o^r remem-

* The original is not preserved.

brance; being the onely ends we still pursue, haueing hitherto found by experience soe much of y^e p^rsence of God with vs & of his goodnes & compassion towards vs in soe doeing for these many yeares. Yet considering how vnanswerable our returnes haue been to God, how vnfruitfull, vnthankfull & vnhol^y vnder soe much meanes of grace & such liberties, we caⁿot but [345] || lament y^e same, judge o^rselues & justify God, should he now at last (after soe long patience towards vs) bring desolating judgements vpon vs and make vs drinke of y^e dregs of y^t cup of indigna^con he hath put into y^e hands of his people in other parts of y^e world, or suffer such contentions (in just displeasure) to arise among vs as may hasten o^r calamity & increase o^r woe, which we pray the Lord in mercy to p^rvent. And whereas in y^e pursuance of y^e s^d ends, & vpon other religious & ciuill considera^cons, as the security of the interest of each colony within its selfe in wayes of righteousness & peace, and all & euery of y^e s^d colonies from y^e Indians & other enemies, they did judge it to be their bounden duty for mutuall strength & helpfulness for y^e future in all their s^d concernem^ts to enter into a consocia^con among themselues, therevpon fully agreed & concluded by and betweene y^e parties or iurisdic^tons in diuers & sundry articles, & at last ratified as a ppetuall confederation by their seuerall subscriptions, wherevnto we conceiue o^rselues bound to adheare, vtill with satisfaction to o^r judgem^ts & consciences we see o^r duty, with like vnanimous consent of y^e confederates, orderly to recede, leaueing the issue vnto the most wise & righteous God.

As for y^e Pattent vpon yo^r peti^con granted to you by his Maj^{tie}, as Coⁿecticott Colony, soe far, & in y^t sence, we object not against it, much lesse agst his Maj^{ties} act in soe doeing, y^e same being a reall encouragem^t to other of his subjects to obtaine y^e like fauor vpon their humble peti^con to his Royall Highnes in y^e p^tection of their psons & purchased rights & interests, is alsoe a ground of hope to vs. But if the line of yo^r Pattent doth circumscribe this colony by yo^r contriue^mt, without o^r cognizance or consent, or regard to y^e s^d confederacⁱon on yo^r parts, we haue & must still testify against it, as not consistent (in o^r judgm^t) with brotherly loue, righteousness &

peace. And y^t this Colony (for soe long time a confederate jurisdiction, distinct from yo^r^s & the other colonies,) is taken in vnder y^e administration of y^e sd P^atent in yo^r hands, & soe its form^r being dissolued, & distinction ceasing, there being noe one line or letter in y^e P^atent expressing his Maj^{ties} pleasure y^t way, although it is yo^r sence of it, yet wee caⁿot soe ap^rhend, of which we haueing already giuen o^r grounds at large in writing, we shall not need to say much more, nor haue we met with any argumentatiue or rationall conuictions from you, nor doe we yet see cause to be of another mind.

As for yo^r pceedings vpon p^rtence of y^e P^atent towards vs, or rather against vs, in taking in sundry inhabitants of this colony vnder yo^r p^rtection & gouernem^t whoe (as you say) offered themselues, from which a good conscience & the obligation vnder which most of y^m stood to this colony should haue restrayned them, without y^e consent of the body of this colony first had, & in concurrence with them, vpon mature deliberation & conviction of duty yet wanting, we caⁿot but againe testify against as disorderly in them, & which admission on yo^r parts we conceiue yo^r Christian prudence might haue easily suspended, for p^rvention of y^t great offence to y^e consciences of yo^r confederat brethren, & those sad consequences [346] which || haue followed, disturbing the peace of o^r townes, destroying o^r comforts, & hazard of o^r liues & liberties by their frequent threats & vnsufferable pvokations, hath been & is with vs matter of complaint both to God & man; especially when we consider that thus you admitted them, & put power into their hands, before you had made any ouerture to vs or had any treaty with vs about soe weighty a busines, as if you were in hast to make vs miserable, as indeed in these things wee are at this day.

And seeing vpon y^e answ^r returned to yo^r p^rpositions made by you afterwards of joineing with you in yo^r gouernem^t, finding ourselues soe already dismembred, & the weighty grounds & reasons we then p^rsented to you, we could not p^rvaile soe far with you as to pcure a respite of yo^r further pceedings vntill Mr. Winthrops returne from England, or y^e graunt of any time y^t way, which was thought but reasonable by some

of yo^rselues, & the like seldome denied in warr to very enemies, we saw it then high time and necessary (feareing these beginnings) to appeale vnto his Maj^{tie}, and soe we did, concluding according to the law of appeales in all cases & among all nations, that y^e same (vpon yo^r allegiance to his Maj^{ty}) would haue obliged you to forbear all further pcesse in this busines, for o^r owne parts resoluing (notwithstanding all that we had formerly suffered) to sit downe patient vnder y^e same, waiting vpon God for the issue of our sd^e appeale.

But seeing y^t notwithstanding all y^t we had p^rsented to you by word & writing, notwithstanding o^r appeale to his Maj^{tie}, notwithstanding all y^t we haue suffered, (by meanes of y^t power you had set vp, viz^t, a constable at Stamford,) of which informations haue beene giuen you, yet you haue gone further to place a constable at Guilford, in like maⁿer, ouer a partie there, to the further disturbance of o^r peace & quiet, a narrative whereof, & of y^e puokations & wrongs we haue met with at Stamford, we haue receiued, attested to vs by diuers witnesses, honest men. We caⁿot but on behalfe of o^r appeale to his Maj^{tie}, whose honor is highly concerned therein, and of o^r just rights, but (as men exceedingly afflicted & greiued) testify in y^e sight of God, angells & men, against these things. Our end therein being not to pvoke or further any offence, but rather as a discharge of duty on o^r parts as brethren & Christian confederates, to call vpon you to take some effectuell course to ease & right vs in a due redress of y^e greiuances you haue caused by these pceedings, such, & y^t after you had complemented vs with large offers of pattent privilidges, with desire of a treatie with vs for vnion of o^r colonies. And you know as yo^r good words were kindly accepted, soe yo^r motion was fairely answered by o^r co^mittee, that in regard we were vnder an appeale to his Maj^{tie}, that being limited by o^r freemen not to conclude any thing for altering o^r distinct colony state & gouernm^t without their consent and without the approbation of the other confederat colonies, they were not in p^rsent [347] capacity soe to treat, but || did litle suspect such a designe on foote against vs, the effect whereof quickly appeared at Guilford before mentioned. But we shall say noe more at

this time, onely to tell you whateuer we suffer by your meanes, we pray y^e Lord would help vs to choose it rather then to sin against o^r consciences, hoping y^e righteous God will in due time looke vpon o^r affliction, & incline his Maj^{ties} heart to fauo^r our righteous cause.

New Hauen, May 6^t, 1663.

Subscribed in y^e name & by
order of y^e Gene^l Court of
Newhauen Colony,
ꝓ James Bishop, *Secretary*.

[The remainder of this page and the whole of the next is blank.]

[The General Assembly of Connecticut at their session May 14, 1663, took no notice of the receipt of this letter, but ordered that Robert Usher and John Meggs should continue in the office of constable over those who had submitted in Stamford and Guilford, which inhabitants were directed to conduct themselves peaceably and religiously, according to the former order in October. It was declared that Southold should enjoy the same privileges as Southampton, and the court voted that they would not send the Patent nor copy thereof to be read at New Haven. Trumb. Rec. Conn. i. 405, 406.]

[349] AT A COURT OF MAGISTRATES HELD AT NEWHAUEN,
THE 25th OF MAY, 1663.

P^rsent, the Gouern^r, Deputy Gouern^r, M^r. Jones, M^r. Feñe,
M^r. Treat & M^r. Crane.

The Court being mett together but noe busines appeareing, the marshall gaue notice that if any had any busines with the Court of Magistrates they was desired to attend it, but after some time of waiteing none appeared, onely some wills & iⁿuentories was p^rsented, as followeth,

The last will & testam^t of Wi^{thm} Judson late of N. Hauen deceased, p^rsented in court, made the 20th of y^e nineth moneth in y^e yeare 1661, confirmed by his owne marke & seale, & prooued vpon oath by Richard Miles & John Cooper, at a court held att Newhauen, March 3^d, 16⁶ $\frac{2}{3}.$

Alsoe an iⁿuentory of y^e estate of y^e s^d Wi^{thm} Judson, p^rsented to y^e court, a^mounting to y^e s^ume of 326^{li}, 08^s, 04^d, & vpon oath attested by Thomas Munson & John Cooper y^t y^e apprizem^t was just, to y^e best of their light, taken Decemb 15th, 1662, & prooued in court at Newhauen, March 3^d, 16⁶ $\frac{2}{3}.$

The last will & testam^t of Mr. Wiłm Gibbard late of Newhauen deceased,* p^rsented in court, made the sixth of August, 1662, confirmed by his owne hand & seale, and prooued vpon oath by Mr. Wiłm Jones & Ellen Glouer at a court held at Newhauen, May 6^t, 1663.

Alsoe an inuenty of y^e estate of y^e s^d Mr. Wiłm Gibbard, p^rsented to y^e court, a^mounting to y^e su^me of 290^{li}, 07^s, 06^d, onely some accounts & debts not yet cleared & some estate in England not prized, taken the 30th of Aprill, 1663, & prooued vpon oath by L: John Nash & Henry Glouer that y^e apprizem^t was just, to the best of theire light, in court at Newhauen, May 6^t, 1663.

The last will & testam^t of Richard Hull, late of Newhauen, deceased, p^rsented in court, made the 21th of August, 1662, confirmed by his owne marke & seale, & prooued vpon oath by Mr. Mathew Gilbert & Mr. Wiłm Jones, at a court held at Newhauen, January 6^t, 1662.

Alsoe an inuenty of y^e estate of y^e s^d Richard Hull, p^rsented, a^mounting to y^e su^me of 101^{li}, 18^s, 04^d, taken the 23th of Decemb: 1662, & prooued vpon oath by Thomas Munson & Roger Alling, that y^e apprizem^t was just to y^e best of their light, in court held at Newhauen, January 6^t, 1662.

The last will of Wiłm Potter, late of Newhauen, deceased, p^rsented to y^e court, made the 19th of May, 1662, & witnessed by Deacon Richard Miles & Deacon Wiłm Pecke, prooued in court at Newhauen, March 3^d, 16⁶² $\frac{2}{3}$.

[350] || Alsoe an inuenty of y^e estate of y^e s^d Wiłm Potter, p^rsented to y^e court, a^mounting to y^e su^me of 161^{li}, 02^s, 07^d, taken August y^e first, 1662, & vpon oath attested by Mr. Thomas Yale & Daud Atwater, y^t y^e apprizem^t was just to y^e best of their light, in court at Newhauen, August 5th, 1662.

An inuenty of y^e estate of Edward Parker, late of Newhauen, deceased, p^rsented in court, a^mounting to y^e su^me of 124^{li}, 00^s, 00^d, taken the 27th of June, 1662, & vpon oath attested by Roger Alling & James Bishop, y^t y^e apprizem^t was just to y^e best of their light, in court at Newhauen, July 1st, 1662.

* Mr. Gibbard died August 9th, 1662.

An inuentry of y^e estate of Mr. Withm Osborne, late of Newhauen, deceased, p^rsented, a^mounting to y^e su^me of 231^{li}, 03^s, 04^d, taken y^e 29th of Aprill, 1662, & vpon oath attested by Deacon Richard Miles & John Cooper, y^t the apprizem^t was just to y^e best of their light, before y^e court att Newhauen, June 9th, 1662.

An inuentry of y^e estate of John Benham, sen^r, late of Newhauen, deceased, p^rsented, a^mounting to y^e su^me of ^ , taken the 3^d of January, 1661, & vpon oath attested by Thomas Munson & John Herriman, that y^e apprizem^t was just, to the best of their light, in court at Newhauen, May 6^t, 1662.

An inuentry of y^e estate of Samuell Richards, late of Newhauen, deceased, p^rsented, a^mounting to 02^l, 03^s, 02^d, taken the 28th of March, 1662, & vpon oath attested by Withm Russell & Abraham Dowlitle, that y^e apprizem^t was just, to y^e best of their light, in court at Newhauen, Aprill 1^t, 1662.

An inuentry of y^e estate of Edward Daniell, late of Newhauen, deceased, a^mounting to y^e su^me of 05^l, 02^s, 10^d, taken the 2^d of Septemb: 1662, & prooued by the subscriptions of Mr. Deliverance Lamberton, Withm Gibbins & Timothy Ford, in court at Newhauen, Septemb: 2^d, 1662.

An inuentry of y^e estate of Withm Luddington, late of Newhauen, deceased, p^rsented, a^mounting to y^e su^me of 156^{li}, 10^s, 00^d, vpon oath attested y^t y^e apprizem^t was just, to y^e best of their light, by John Cooper, sen^r, & Mathew Moulthrop, sen^r, in court at Newhauen, March 3^d, 16⁶² $\frac{2}{3}$.

An inuentry of y^e estate of George Smith, late of Newhauen, deceased, p^rsented, a^mounting to y^e su^me of 195^{li}, 03^s, 04^d, taken y^e 20th of Decemb: 1662, & vpon oath attested by John Cooper & Roger Alling, that y^e apprizem^t was just, to the best of their light, in court at Newhauen, Janua: 6^t, 1662.

[351] || An inuentry of y^e estate of Rob^t Talmage, late of Newhauen, deceased, p^rsented, a^mounting to y^e su^me of 115^{li}, 14^s, 06^d, taken Octob: 3^d, 1662, & vpon oath attested by Roger Alling & James Bishop that y^e apprizem^t was just, to y^e best of their light, in court at Newhauen, Aprill 7th, 1663.

An inuentry of the estate of Mathew Row, late of N. Hauen, deceased, p^rsented, a^mounting to y^e su^me of 117^l,

14^s, 02½^d, besides some other things vnder question, taken the 5th of May, 1663, & vpon oath attested by Withm Andrewes & Roger Alling, that y^e apprizem^t was just to y^e best of their light, in court at Newhauen, May 6^t, 1663.

The last will and testam^t of John Fletcher, late of Milford, deceased, p^rsented to y^e court, made the 18th of Aprill, 1662, confirmed by his owne hand & seale, & witnessed vpon oath by Mr. Benjamin Fenn, Mr. Robert Treatt & George Clarke, sen^r, before y^e court at Milford, March 5th, 1662½.

Alsoe an inuentory of y^e estate of y^e sd John Fletcher, p^rsented, amounting to the sume of 408^{li}, 15^s, 04^d, taken the 13th of May, 1662, & apprized the most of it & vpon oath attested by Ensigne Alexander Bryan, Jasper Gunn, Michaell Tompkins & Richard Baldwin respectiuey as they haue been improoued, that the apprizem^t they haue made is just, to y^e best of their skill, before the court at Milford, Decemb: 4th, 1662.

p: Rich: Baldwin, Secret.

The last will & testam^t of Thomas Ford, late of Milford, deceased, p^rsented to y^e court, made the 15th of May, 1662, confirmed by his owne hand & seale, & witnessed vpon oath by Timothy Baldwin & Joseph Northrop, alsoe George Clarke, junir, Nicholas Campe & John Beard tooke oath to the truth of y^e same before y^e court at Milford, (as in y^e pbate of y^e will,) June 5th, 1662.

p Rich: Baldwin, Secret.

Alsoe an inuentory of the estate of the sd Thomas Ford, p^rsented, amounting to the sume of 407^{li}, 01^s, 00^d, taken & apprized by Nicholas Camp & John Beard, & vpon oath affirmed by them that the apprizem^t was just, to y^e best of their skill, before the court at Milford, June 5th, 1662.

p Rich: Baldwin, Secret.

The last will & testam^t of George Stokey, late of Stamford, deceased, p^rsented to y^e court, made the 23th of August, 1660, confirmed by his owne hand, & witnessed vpon oath by Daniell Scofield & John Holly, before Rich: Lawe, at Stamford, the 25th of February, 1660.

Rich: Lawe.

[352] || The last will & testam^t of Thomas Newman, late of East-towne, in y^e New-Netherlands, p^rsented to y^e court as made the 2^d of June, 1659, confirmed by his owne marke &

seale, & witnessed vpon oath, (before Rich: Lawe, att Stamford,) by Richard Mills & Samuell Mills, the 27th of February, 1660.

Rich: Lawe.

An inuentry of the estate of John Waterbery, late of Stamford, deceased, p^rsented to the court, a^mounting to the su^me of [^], taken & prized by Richard Lawe & Francis Bell, in Aprill, 1659, & attested too by y^e now wife of Joseph Garnsy, the 24th of May, 1661, att Stamford.

Rich: Lawe,

before &

Fra: Bell.

1657 An inuentry of y^e estate of Gregory Taylor, late of Stamford, deceased, p^rsented to y^e court, a^mounting to the su^me of 48^l, 14^s, 06^d, taken Octob: first, 1557, & prized by Rich: Lawe & Fra: Bell, both officers in authority in Stamford, did testify vpon oath, in co^rt at Stamford, held y^e 14th of June, 1662, that these goods within written were p^rsented to them, & acknowledged by John Waterbery & his wife, to be y^e estate which y^e s^d Gregory Tailor, deceased, had in possession, & left at y^e time of his death, but y^e s^d Waterbery would not acknowledge that this was all, nor would he nor his wife attest it vpon oath to be a true inuentry of the whole estate. Alsoe the s^d apprisors doe testify y^t the apprizem^t is just, according to y^e best of their skill.

Rich: Lawe,

Fra: Bell.

An inuentry of y^e estate of Thomas Hyatt, late of Stamford, deceased, p^rsented to y^e court. This writing was p^rsented in co^rt at Stamford, June 16th, 1662, as the true acco^t of all the remainder of y^e estate of Thomas Hyat, deceased, after the losses, debts & just charges payd, which s^d account a^mounts to y^e su^me of 132^l, 02^s, 03^d, whereof the widdowes thirds is 44^{li}, & then there remains in y^e hands of Cornelius Jones, the su^me of 88^{li}, 02^s, 03^d, as portions to be diuided amongst six children, according to law.

Rich: Lawe,

Francis Bell.

The Co^rt agreed about goodwife Finch that what Newhaven court had allowed in the inventory it should be payd her out of Westerhouse his estate for the use of the child, p^rvided it be not carried out of the jurisdic^on.

[353] AT A COURT OF ELECTIONS HELD AT NEW HAUEN FOR
THE JURISDICTION THE 27th OF MAY, 1663.

Mr. Withm Leete chosen Gouvern^r,
Mr. Mathew Gilbert chosen Deputy Gouvern^r,
Mr. Withm Jones chosen Magistrate for Newhauen,
Mr. Benjamin Fenn, } chosen Magistrates for Milford,
Mr. Robert Treat, }
Mr. Jasper Crane chosen Magistrate for Branford,
The Gouvern^r & Mr. Fenn chosen Comission^{rs}, & Mr. Jones
a 3^d man in case need require.

They all tooke oath for the yeare ensueing or vntill our
foundation settlem^{ts} bee made null.

Roger Alling chosen Treasurer, } All for y^e yeare ensue-
James Bishop chosen Secretary, } inge with the caution
Abraham Dowlitle chosen Marshall, } before p^rmized.

AT A GEN^{ll} COURT HELD AT NEWHAUEN FOR THE JURISDIC-
TION, THE 27th OF MAY, 1663.

P^rSENT,

Deputies.

The Gouvern ^r ,	Thomas Munson, }	for N. Hauen.
Deputy Gouvern ^r ,	James Bishop, }	
	Thomas Welch, }	for Milford.
	Richard Baldwin, }	
Mr. Jones, }	Mr. Rob ^t Kitchell, }	for Guilford.
Mr. Fenn, }	George Bartlet, }	
Mr. Treat, }		
Mr. Crane, }		
	L: Fra: Bell, for Stamford.	
	L: Sam ^{ll} Swaine, }	for Branford.
	Laurence Ward, }	

The Deputies p^resenting their certificates were accepted,
wherein it appeared that all were chosen for the yeare, onely
Milford & Branford for the p^rsent session.

The Gouvern^r told the court that they knew how wee stood
in reference to Connecticott Colony, & y^t there was a comitte^e
apointed for y^e last yeare, therefore ppounded whether they
would impow^r y^e same againe, which being voted, it was con-

cluded both for y^e same psons & the same power as the last yeare.

Vpon information of y^e complaints of sundrie, of the difficulty of obtaineing shooes for y^e supply of the necessities of their families by reason of the sending away of hides & leather out of this jurisdic^on, this court did now see cause to order, and it is ordered, that from & after the publication hereof, noe raw hide or hides be transported out of this jurisdic^on by any [354] pson or psons whatsoever, vpon a penaltie of the || forfeiture of such hide or hides or the valew thereof. And alsoe y^t noe tanned hides or leather be soe transported except it be in pay for the like valew in raw hides to be imported. And that noe tanned hide or hides be soe exported before y^e same be entred wth such officer as the plantation court shall appoint to this trust, vpon the like penalty aboue expressed, to be layd & leuied vpon the offender or offenders vpon complaint made to & prooffe before y^e sd court, the one halfe of the sd penalty to y^e informer & y^e other halfe to the publike.

The order formerly made concerning troop^rs was now repealed, & their psons & horses to be entred into y^e rate, & it was desired that the furniture might be kept fit for seruise.

It is alsoe ordered, (y^t finding the jurisdic^on to be much in debt,) that to a halfe rate layd May 6^t, (63,) (but not published,) there be another halfe rate, which is in all one single rate, to be leuied vpon all y^e plantations of this jurisdic^on & pprietors of Pagausett, two parts of which rate is to be payd in Octob: next, & the other third part in March next after, to the jurisdic^on treasurer or his order, in such pay & at such prizes as the last yeare.

The Court considering how to pvide for Stamford, bro: Bell informed the court that the freemen desired to bee as they were the last yeare, vpon which Leiftenn^t Francis Bell & Rich: Lawe was chosen deputies for Stamford for the ensueing yeare & invested wth the same power, as the last yeare, & L: Fra: Bell now tooke oath wth the same caution as the magistrates did, & was to administer the oath to Rich: Lawe.

The busines concerning the custome & excise for wine & strong liquors was left with the magistrates of Milford to

agree with Ensigne Bryan as well as they could for this yeare.

The sallaryes of the gouern^r & deputy gouern^r was left to further consideration.

The Court agreed wth Roger Alling for all the wampom left in his hands (as iurisdic^{on} treasurer,) to let him haue it for thirty pound in iurisdic^{on} pay.

A motion was made by Rich: Baldwin, of Milford, on the behalfe of Leiftenn^t Wheeler liueing about Paugausett, for his admittance vnder this colony, which was well accepted, & the court was willing to encourage it but desired to speake wth Leiftenn^t Wheeler himselfe, vpon which he came into the court & the gouern^r moued it to him & he answered to this purpose as followeth, viz^t: That there was a motion from himselfe p^rsented to this court formerly by Serj^t Baldwin, wherein he shewed his willingnes to come vnder this iurisdic^{on} & his spirit hath not altered, but onely there hath been some demurre since, Stratford laying some claime to the place, & some ground of it was that he being at Stratford one time, there came report as if the Indians had robbed his house & killed his servant, vpon which he hastened away himselfe & desired noe helpe, but Mr. Wells being then officer there sent some helpe after him, & comeing home found it not soe as was reported, but tooke some Indians & carried them away, & since y^t they haue layd claime to mee, as being an ayd to mee, [355] || but I told y^m y^t I intended to submitt y^e place to one of y^e colonyes & had ppounded it to New Hauen; they told him he need not trouble himselfe for he was within y^e bounds of their towne, then he told y^m if they layd out their line & found it soe he should submitt, but they onely came vp to the great river & went noe further; after this they leuied his rate for Mr. Blackman, but he told y^m y^t he would pay Mr. Blackman but not in submission to y^m, but y^t which he did was in a voluntary way.

After this it was desired they would p^rsent their minds in writeing, which was done by Rich: Baldwin & is as followeth, viz^t; That there having been in this court a former tender & treaty about Leiftenn^t Thomas Wheelers standing related

vnder the account of Paugasett to this jurisdicōn, the co^{rt} now being more fully informed y^t all y^e land from y^e sd Leiftenn^s meadow vpwards for a considerable length betweene Potatuke River and Nagatunk River is vnder a grant vnto y^e p^rsent purchasers of Paugasett, whereby the sd Leiftenn^t is fully included wth y^e rest of Paugasett in this jurisdicōn, which this co^{rt} doe declare to be their sence of his standing related to this colony, & doe expect y^t he as the rest of the inhabitants of Paugasett doe yeild & acknowledge all duty & service to this jurisdicōn; which vpon the grounds before mentioned the sd Leiftenn^t Tho: Wheeler doth submitt vnto.

The Court considering of y^e writeing did put it to vote, & soe thereby was accepted.

[The General Assembly of Connecticut, August 19th, 1663, appointed the Deputy Governor, Mr. Wyllys, Mr. Daniel Clarke and John Allyn, "to treat wth o^r honoured freinds of N: Hauen, Milford, Branford and Guilford, aboute settling their union and incorporation wth this Colony," and impowered them to act according to the instructions given the committee sent to New Haven in March preceding. If they could not effect a union, they were publicly to declare, "That this Assembly cannot well recent their proceeding in ciuill gouern^t as a distinct jurisdiction, being included within the charter graunted to Conecticut Corporation; and likewise they are publikly to declare that this Assembly doth desire and cannot but expect that the inhabitants of New Hauen, Milford, Branford, Guilford and Stanford, do yeild subjection to the gouern^t here établist according to the tennor of o^r charter, which is publikely to be read in New Hauen." Trumb. Rec. Conn. i. 407.

In consequence of the foregoing vote, the following correspondence took place between the committees of the colonies.

[Conn. Rec. Misc. i. 71. In the handwriting of William Jones.]

N. Hauen Comite proposalls, August 26, 1663.

To y^e honord Comitte from y^e Gen^l Assembly of Connecticut, M^r. Willis, M^r. Clark & M^r. Allen.

Gen^l, In ord^r to a freindly treaty & amicable composure of matters in difference between vs, we earnestly desire you wold restore vs to o^r intire colony state by disclaiming y^e pty at Guilford & Stamford, & soe doing we offer the following queries to yo^r consideraçon, as matter for such treaty, viz^t,

1. Wheth^r y^e fundamentall lawes for governm^t, especially y^e touching the qualificaçons of freemen shalbe the same wth Boston or our, (i. e.) members of some one or oth^r of o^r churches.

2. Wheth^r o^r church ord^r & priuiledges shall not be infringed nor disturbed, & that both y^e choice & calling in of ministers in each plantaçon be established a church right for eu^r.

3. Wheth^r all o^r p^rsent freemen shall be forthwth admitted & impowred to act as yo^r owne freemen to all intents & purposes.

4. Wheth' any of o' form' adjçons* in o' distinct col: state shalbe liable to appeales or be called in question.

5. Wheth' we shalbe imediatly established a distinct county & to have soe many magistrats as necessary, 4 at least, wth a p'sident chosen y^{ly} by o' owne county court, togeth' wth oth' inferior officers to be nominated by o'selvs.

6. Wheth' any apeales shalbe at any tyme allowed from o' countye court in ordinary cases, vnles to o' owne court of assistance, & y' vpon waighty grounds & wth good cauçon, to p'vent trouble & charge to the country.

7. Wheth' there shall not be a court of assistance at Newhaven yearly, or oftner if need require, to try capitall causes & heare such appeales, consisting of o' owne & such oth' magistrats as we shall desire by order frō o' p'sident.

8. Wheth' all o' p'sent magistrats & officers shall remaine in full pow' to govern the people as form'y, vntill new be orderly chosen at y' next elecçon court after this agreem'.

9. Wheth' all rates & publiq' charges graunted or levied or due in each colony before this agreem', be paid & discharged by the inhabitants pporconably in a distinct way, & not oth'wise.

10. Wheth' at y' next ellecçon there shalbe a comitte chosen & apointed off yo' & o' ablest ministers & oth' freemen to consult & p'pare a body of lawes out of yo' & o' lawes most consonant to scrip-ture.

11. Wheth' vntill such a body of lawes be framed & agreed vpon anew mutually, all matters in o' townes & courts shalbe yssued & don according to o' owne lawes as form'y.

12. Wheth' all o' plantaçons according to their aunciently reputed & received bounds shall not soe remaine vnalterably but receive confermaçon by authority of the pattent.

That such treaty shall not be binding to vs wthout consent of o' confederats & gen^{ll} court of freemen.

Wheth' y^e freemen in each of o' townes may not make ordⁿ for y' towne affaires.

These impfect queries we at p'sent offer to yo' consideraçon, reserv-ing libty to ppound w^t furth' we shall see needfull, allowed by the pattent.

Willm Leete, in the name & wth consent
of y^e Comitte.

[Conn. Rec. Misc. i. 72. In the handwriting of Daniel Clarke.]

O' proposals in answ' to y^e queries p'sented from N. H. Comitte,
Agst. 27, 63.

In answer to y^e queries propounded to o' consideraço by the honord Comitte of N. H. we p'sent,

In referenc to the proceedings of the Assembly at Conecticut, Octob^r last, in enterteineing sev^{ll} y^e p'sented themselues from Guilford & Stanf, desireing to submit to o' gou'm', wch (tho accordinge

* Adjudications.

to o' chart' we apprehend we had power to admit of them or any oth' w'hin o' p'cincts, yet) consideratis considerandis, pro modo et ordine, we shall grant y' prudent considerations might haue directed vs in y' first place to haue had some treaty w'h o' hono^rd freinds of these plantations for an ord'ly setlinge of themselues wth vs into a body politique accordinge to o' charter, and therefore we are ready to retract those comissions y' haue bene giuen to any persons y' haue bene settled in publ. imploy eith' at G: or St. And it is o' earnest desire that noe former conceaued inuries on yo' part or on o' may obstruct o' proceedings wth you to an amicable settlement of vnion as one corporation and w'h clemency and candidnes each part may accept such proposals as are p'sented to prudent and serious consideration. And we doe herby declare the propensity and readines of o' sp^a fully and finally to obliterate the memoriall of all form' occasions administered to vs as matt' of greiuanee or offence respecting any of you.

1. For y' first quæ, we answ' that the patterne or foundation from w^h we cannot vary is o' charter, nor dare we admit of any fundam^{ta} varying from y' teno' thereof, but w' lawes may be concurring therewith and conduceable to y' publique weale of church and state we are ready to grant y' establishm' thereof, & pticularly for quallification of freemen we are ready to grant that they shalbe men of a religious carriage visibly soe, haueing and possessing some competency of estate, and shal bring a certificate affirmatiue that they are thus quallified from y' deacons of y' church and two of y' select men of y' towne where they liue, and if there be noe deacons, then some other knowne & approued persons w'h y' selectmen as before.

2^d. That y' ch. ord' and priuiledges w'hin these plantations, N. H: M. B: G: & St: shal not be infringed or disturbed by vs or any from vs, and that y' choice and call of the ch. officers in each planta: shal remaine a church right foreuer.

3. That vpon o' and yo' vnion all y' present freemen w'hin these plantat' shalbe forthwith invested wth full power to be and act as freemen of Conect: corporation in all concerns.

4. That all former transactions in courts and administrat' as a distinct jurisdiction shalbe totally freed from future callings into question in y' court at Conecticut or elce where w^hin o' precincts, vnles any thinge controuersall be at p'sent dependant in the court here.

5. That y' plantat' forementioned be immediately vpon o' vnion established a distinct county, and to haue soe many officers as may be sufficient to carry on mattⁿ of civil iudicature as a county, and shall haue power to try and issue all cases accordinge to y' teno' of o' chart', provided that such cases as respect life, limb, banishm' or totall confiscation, shalbe issued by a court of assistants w^{ch} shalbe once a yeare or oft'n if any thing extraordinary fall out w^hin any these plantations necessitateing the same, w^{ch} court of assistants shal consist of such as are chosen and ordeined yearly for these plantations, whereof one shalbe y' presd' of y' county or moderator of the courts kept in this county and chosen to y' place by the civil officers y' attend the county courts; vnto w^{ch} officers for y' constituteing of y' court of assist' shalbe

added 3 assistants out of the corporation such as shalbe yearly appointed therunto by the gen^l assembly held in May, and such as are greiued at y^e sentence of y^e county court shall haue liberty vpon good caution to appeale to y^e court of assistants; and y^e all cases tried by this court or the county court depend^t twixt partie and partie respecting damage to y^e sum of 40^s or vpwards, and likewise capitall crimes and offences shalbe tried by a jury either of six or twelue freemen, according as y^e nature of y^e case require, but in capitall cases by a jury of twelue at all times. And further that all civill officers except assistants or comissioners shalbe yearly chosen by themselves for and w^hin the precincts of the plantations aforesaid.

6. That y^e Worth M^r. Leet, M^r. Gilbert, M^r. Jones, M^r. Fen, M^r. Treat and M^r. Crane, be and remaine in magistraticall power w^hin this county, and any three or more of them, as they see cause, to haue power to keep a county court, they chuseing out from amongst themselves a moderator pro tempore, in y^e presidents absence, whom we hereby nominate to be Worth M^r. Leet for the county, and this to stand in force vntill an orderly election of officers at generall election in May next, at w^h time the freemen of these plantations shall nominate their proportion of assistants w^h other plantations in this corporation to be put to election; and such as shalbe yearly chosen by the freemen to that place, together w^h such as the gen^l assembly shall comissionate w^hin these plantations shal for future carry on civil judicature w^hin the county, & they being chosen and sworne to chuse out of themselves a presid^t for that yeare.

7. That vntil y^e election in May next, all matt^s of civil judicature w^hin this county shalbe issued and determined according to y^e lawes that haue bene form^ly established by N. H. Assembly, or such as are in force in y^e Corporation as y^e officers of this county see cause to attend, being noe way repugnant to the teno^r of o^r chart^r.

8. That y^e neighbouring plantations either on y^e Island or maine shall haue liberty to appeale from the sentenc of their courts vnto y^e court of assistants held at N. H. as before declared.

9. We mutually approue of a comittee of the ablest psons y^e may be had amongst yo^rselues and vs to compact a Body of Lawes out of o^r and yo^r that may be most sutable to further the establishm^t of peace and righteousnes and the vpholding of a well ordered gouerm^t in church and state.

10. That y^e ancient reall and established bounds between plantation and plant: shal for euer be and remaine vnalterable.

11. That y^e freemen of these plantat^s shall haue power to chuse all publ country officers except assistants, to weet, comission^s, deputies and constables. As for selectmen who are to ord^r the civil, prudentiall affaires of the respectiue townes, they to be yearly chosen by a maior vote of the approued inhabitants, w^h other necessary towne officers in y^e respect: pl: in this county.

12. That all publ: charges and levies due for time past and vntil this instant shalbe defrayed by the respectiue townes in this county as formerly, and for those severall psons w^hin this county that haue subjected to Conecticut gouerm^t that they shal also be rated after the

sum of a penny p pound for their rateable estates wth y^e rest of y^e inhabitants in their respective townes as before exprest.

Vnto these proposals we whose names are subscribed desire a returne from the honord Committee whether you are willing to accept of them, to y^e settlement of yo^r vnion wth o^r corporation.
N. Haven, 27 August, 1668.

Sam^l Willys,
Dan: Clark,
John Allyn.

[Nothing having been concluded between the committees of the two colonies, at the meeting of the Commissioners of the United Colonies at Boston, September 8-19, the following proceedings took place.]

The complaint of the Com^{rs} of New Hauen, in behalfe of that Colony humbly presented to the rest of the honoured com^{rs} for their aduice, ayd & succour as followeth,

Viz: That sundry of the inhabitation of seuerall of o^r townes haue been taken under the gouernment of Conecticut, & by them encouraged to disowne o^r authoraty. They refuse to obserue there oaths of fidelity, to attend o^r courts or meetings caled by o^r authoraty, or to performe other dutys wth the rest of o^r people, & so our settled order & peace is much prejudiced.

2. That constables or officers are by Conecticuts authority apoynted & set up amongst us, whoe are uery troublesome to us. These things & the sad consequences thereof are soe agreiuing to the generality of o^r people, & like to bring forth such uncomfortable effects, that we cannot but present the matter to your serious consideration, to take some effectuall course, that such actings may be recaled & forborne, & the articles of confederation duely obserued towards us a distinct colony, your obseruant confederates.

In the name of the Colony of New Hauen,
Bostown, 17th Sept^r, 1668.

W^m Leete,
Benj: Fenn.

An answer to N. Hauen Gent^{rs}.

The Com^{rs} for Conecticut doe conceiue that there is no such cause of complaint at present from N. Hauen as hath bin mentioned in their paper, there haueing bin diuers freindly treaties about the matters in difference, & very amicable ppositions & tenders formerly & now againe uery lately propounded by a comittee from the courte of Conecticut, who had of late a freindly conference upon it wth y^e comitty of N. Hauen, & a coppye of those ppositions were presented now by M^r. Willys, one of y^e magistrates & one of the s^d comittee of Conecticut, & the sayd amicable ppositions were now read to all the com^{rs} & not disliked by them, & we hope they are yet in a fayre way of farther treaty towards a freindly compliance, & are assured that the court at Conecticut did neuer intend to doe, nor will doe, any injury or wrong to them, but will be ready to attend all just & freindly wayes of loue & correspondence; & whateuer hath ben now

suggested by way of compl^a, we doubt not but they will returne a faire & satisfactory answer to them when they haue notice thereof.

Sept^r 17th. 1663.

John Winthrop,

John Tallcott.

New Hauens replie.

The Com^a of N. Hauen Colony cannot approue of the answer or appologie of Conecticut Com^a, in saying that they conceiue there is no ground for o^r complaint, the case being as related, & can proue nothing being done to reuerss or sattisfy upon that acco^t, or pmised but conditionally, & in treaty onely, wherein we haue & doe desire to carry as amicably towards them as they towards us; but how it should be sayd, that the court of Conecticut neither intended nor would doe us any wrounge, while such injuries as are complained off are not righted, nor yet absolutely promised soe to be, wee see not, & therefore cannot but desire the sence of the com^a upon the acting complained of, while its not knowne how farr those ppositions mentioned will be sattisfactory to o^r people, nor what issue will be attayned for settlement of affaires according to confederation, (in case,) which we still cleaue unto.

W^a Leete,

Benj: Fenn.

The answer of the Massachusets & Plimoth to the complaint of New Hauen is as followeth,

The Com^a of the Massachusets & Plimoth, haueing considered the complaint exhibited by N. Hauen against Conecticut for infringing there power of jurisdiction, as in the sd complaint is more perticularly expressed, together wth the answer returned thereto by Conecticut Com^a wth some other debates & conferences that haue passed between them, doe judg meet to declare, that the sayd Colony of N. Hauen being owned in the articles of confederation as distinct from Conecticut, & haueing bin soe owned by the colonyes joyntly in this present meeting in all there actings, may not by any act of violence haue there liberty of jurisdiction infringed by any other of the Vnited Colonyes w^{thout} breach of the articles of confederation, & that where any act of power hath bin exerted against there authority, that the same ought to be recalled & there power reserued to them intire, untill such time as in an orderly way it shall be otherwise disposed; & for perticuler greiuences mentioned in their complaint, that they be referred to the next meeting of y^r com^a at Hartford, where Conecticut haueing timely notice, may giue there answer thereto, vnless in the mean time there be an amicable vniting for the establishment of their peace, the w^{ch} we are perswaded will be uery acceptable to the neighbouring colonies.

Simon Bradstreet, President,

Tho: Danforth,

Tho: Prince,

Josi: Winslowe.

Rec. U. Col. Sept. 1663.

[The General Assembly of Connecticut met on the 8th of October. They administered the oath of constable to Francis Browne for the town of Stamford, and appointed Mr. Willys and the Secretary to write a letter to New Haven, declaring that the court could do no less for their own indemnity than to manifest their dissatisfaction with the proceedings of New Haven, Milford, Branford, &c., in their distinct standing from them in point of government, "It being directly opposite to the tenor of the Charter lately granted to our Colony of Connecticut, in which Charter these plantations are included. Wee also do expect their submission to our government, according to our Charter and his Majesties pleasure therein expressed, it being a stated conclusion of the court that jurisdiction right allwayes goeth with patent. And whereas the aforesaid people of New Haven, &c. pretend they have power of government distinct from us, and have made severall complaints of wrongs received from us, we doe hereby declare that our councill will be ready to attend them, or a committee of theirs, and if they can rationally make it appear that they have such power, and that we have wronged them, according to their complaints, we shall be ready to attend them with due satisfaction." Trumb. Rec. Conn. i. 415.]

AT A COURT OF MAGISTRATES HELD AT NEWHAUEN, OCTOBER:
21th, 1663.

Present, the Governor, Deputy Governor, Mr. Jones, Mr. Fenn, Mr. Treat & Mr. Crane.

An attachmente having been granted to George Adams, of Branford, upon some estate of Mr. Jefferd, of Ling, which was found in this jurisdiction, George Adams aforesaid now appearing was asked what he had done in giving notice to Mr. Jefferd aforesaid for his attendance? He answered he had sent to him but it was soe lately that it was not likely he could attend this court, therefore he desired the business might be respited to y^e next court of magistrates till y^e man may have sufficient notice & he gaine further evidence for himselfe in the case, but he desired y^t he might have y^e horse into his custody which was attached & he would give in security for him, because the horse lay now upon charge.

The Court considering of the case did conclude that George Adams giving in security in a bond of twenty pound to save the court harmeles & to answer the case at y^e court of magistrates in May next, & whether damages may ensue hereupon, upon this the horse was to be delivered to him, that soe further charges be not expended on him.

James Bishop, (attornie for Mr. Lucie Farneden,) having

made claime vpon the estate of Mrs. Elizabeth Godman, (deceased,) now in the hands of Thomas Johnson, desired of the court right in the case, & for that end p^rsented a letter of attornie from Mrs. Farneden aforesd, wth a certificate vnder the hand of a justice of the peace that shee was the onely naturall sister of Mrs.

[The Record remains thus incomplete, and to this succeed two entire blank pages.]

[358] *A true copy or record of Governor Winthrop his letter to Major John Mason, & y^e rest of y^e Court, &c.*

Gentlemen,

I am informed by some gentlemen, (whoe are authorised to seeke remedy here,) that since you had y^e late Patent there hath been injury done to y^e governm^t of Newhaven, & in particular at Guilford & Stamford, in admitting of severall of y^e inhabitants there unto freedome wth you & appointing officers, which hath caused divisions in y^e sd townes, which may prove of dangerous consequence if not timely prevented, though I doe hope y^e rise of it is from misunderstanding & not in designe of prejudice to y^t colony, for whom I gave assurance to their friends that their rights & interests should not be disquieted or prejudiced by the Patent, but if both governm^{ts} would wth unanimous agreem^t unite in one, their friends judged it for advantage to both. And further I must let you know that testimony here doth affirme that I gave assurance before authoritie here, that it was not intended to meddle with any towne or plantation y^t was settled under any other governm^t; had it been any otherwise intended or declared, it had been injurious in takeing out y^e Patent not to have inserted a proportionable number of their names in it. Now upon y^e whole, haveing had serious conference wth their friends authorised by them, & wth others whoe are friends to both, to p^rvent a tedious & chargeable tryall & uncertaine event here, I promised them to give you speedily this representation how farre you are engaged, if any injury have been done by admitting of freemen or apointing officers, or any other unjust intermeddling wth N. Haven Colony in one kind or other without y^e approbation of y^e governm^t, that it be forthwith recalled, & y^t for future there wilbe noe imposing in any kind upon them, nor admitting of any members wthout mutuall consent, but y^t all things be acted as loveing neighbouring colonyes, as before such Patent graunted; & unto this I judge you are obliged, I haveing engaged to their agents here y^t this wilbe by you

performed, & they have thereupon forborne to give you or mee any trouble, but they doe not doubt but upon future consideration there may be such a right understanding between both governm^{ts} y^t an union & friendly joineing may be established to y^e satisfaction of all, w^{ch} at my arrivall I shall alsoe endeavor (God willing) to promote. Not haveing more at p^rsent in this case, I rest,

Yo^r humble servant,

London, Mar. 3^d, 1662.

John Winthrop.

Supscription,

For Major John Mason, Deputy Governor of Coⁿnecticut
Colony & y^e rest of y^e court there at Hartford, dd.

[359] *A true copy of his Maj^{ties} L^r to the Governors & Assistants of y^e Massachusetts, Plimouth, New Hauen, Connecticut Colonies, in New England, followeth,*

CHARLES R.

Trusty and welbeloved wee greet you well, whereas we haue been given to vnderstand that o^r good subjects Thomas Chif-
finch, John Scott, John Winthrop, Daniell Denison, Symon
• Bradstreete, Thomas Millet,* Richard Smith, Edward Hutch-
inson, Amos Richardson, John Alcocke, William Hudson, and
their associats having in the right of Major Asherton, a just
ppriety in the Narragansett countrey in New England, by
graunts from the native princes of that countrey, and being
desirous to improve it into an English colony & plantation to
the enlarging of o^r empire and the co^mon good of o^r subjects,
they are yet daily disturbed and vnjustly molested in their
possession & laudable endeavours by certaine vnreasonable &
turbulent spirits of Providence Colony of New England aforesd,
to the great scandall of justice & governm^t and the eminent
discouragem^t of that hopefull planta^{co}n, wee haue therefore
thought fitt hereby effectually to reco^mend the said proprietors
to yo^r neighborly kindnes and protection, (the pprietors to be
pmitted peaceably to improve their colony and planta^{co}n in
New England,) willing you to be on all occasions assisting to
them against such vnjust oppressions & molestations, that soe
they may be secured in the full and peaceable enjoyments of
their said countrey according to the right and title they have
to it, wherein we will not doubt of yo^r readines and care, and
shall on all good occasions express how gratically we accept
of yo^r compliance with this our recomendation, and soe we bid

* Although here recorded *Millet*, yet in a copy of the same letter certified by
"James Bishop, Secr." and sent to Connecticut, (For. Cor. i. 2,) the name is written
Willett, which is correct. The name *Asherton* below should read Atherton.

you farewell. Given att our court att Whitehall, the 21th day of June, 1663, in y^e fifteenth yeare of our raigne.

By his Maj^{ties} comānd,
Henry Bennett.

His Maj^{ties} signe manuell annexed.

Endorsed & directed as followeth,

To our trusty and welbeloved subjects, the Governors & Assistants of y^e Massachusetts, Plimouth, New Hauen, and Connecticutt Colonyes, in New England.

Examined by the originall,
p me, W^m Jones.

[360] AT A GEN^{ll} COURT HELD AT NEWHAUEN FOR THE JURIS-
DIC^{ION} THE 22th OF OCTOB. 1663.

P^rSENT.

Deputies.

The Governor,
Deputy Governor,

L: John Nash, }
James Bishop, } for New Hauē.

Thomas Welch, }
Richard Baldwin, } Milford.

Mr. Jones, }
Mr. Fenn, } *Magis-*
Mr. Treat, } *trates.*
Mr. Crane, }

Mr. Rob^t Kitchell, }
George Bartlet, } Guilford.

Mr. Rich: Lawe, }
George Slawson, } Stamford.

L: Sam^{ll} Swaine, }
Lawrence Ward, } Branford.

The Court being mett togeth^r, the governo^r informed them y^t the comittee had sent a letter to Coⁿecticutt lately, since their returne from y^e comissioners which is as followeth,
Hono^rd Gent:

Seeing that it hath pleased the Almighty whoe is o^r defence, (at this session of the comission^{rs}.) not to suffer any mine to spring for subverting that ancient wall of New Englands safety which himselfe hath erected vpon the foundation of o^r soe solemne & religious cōfoederation, but further vnanimously to establish the same, wee thought it might not be vnacceptable on o^r part to p^rsent you wth our request at this season of yo^r gen^{ll} assemblyes meeting, that you would observe to doe according to their conclusions, reminding to recall all & euery of yo^r former acts of a contrary tendency and please to signify

the same to vs before our gen^l court held the 22th instant, whoe will then expect it before they returne answer to yo^r co^mittees pposalls. Yo^r cordiall & ready attendance vnto this o^r request (we conceiue) wilbe noe obstruction to an amicable treaty for compliance, but rather the contrary if the Lord shall please to owne & succeed such endeavors as meanes for the better flourishing of religion & righteousness wth peace in this wildernes. And we canot app^rhend y^t you need to feare any damage to yo^r pattent hereby from his Majesties takeing offence at soe honest a carriage, there being noe express interdiction of Newhauen Colony inserted therein, nor any intendm^t of yo^r agent to haue it soe injuriously carried against vs, and now alsoe haue you y^e encouragement of all yo^r confederates to apollogise vpon y^t account in case any turbulent spirits should suggest a complaint, whom the righteous God can countermand & disapoint, to whose wisdom & grace we reco^mend you & all yo^r weighty concernem^{ts}, resting Gentlemen,

Yo^r very loueing & expectant confederates,

The Co^mittee for N. H. Colony,

By James Bishop, *Secretary*.

New Hauen, Octob. 6th, 1663.

Alsoe y^e conclusions of the co^mission^{rs} in reference to this colony was read to the court, with M^r. Winthrops letter (which is alsoe recorded in page 8) viz^t: a transcript of w^t he wrote to y^e court at Hartford.

The Deputies alsoe signified the mind of y^e freemen as not at all satisfied with Coⁿecticutts co^mittees pposalls, but thought there should be noe more treaty wth y^m vnless they first restore vs to our right state againe.

The matter was largely debated, & the court considering [361] how they of || Coⁿecticut doe cast off o^r motion in y^e forementioned letter & giue vs noe ans^wr, but that contrary therevnto is reported as that they haue further encouraged those at Guilford & Stamford, therefore this court did now order that noe treaty be made by this colony wth Coⁿecticut before such acts of power exerted by them vpon any of o^r townes be revoaked & recalled, according to Hono^rd M^r. Winthrops letter engaging the same, the co^mission^{rs} advice, & our frequent desires.

It is ordered that y^e magistrates or other officers where there is noe magistrate, doe giue forth their warrants accord-

ing to law, to attach & make seizure of such psonall estate in pportion, for the paym^t of their rates, who vpon legall demand made, haue or shall refuse the same, & that y^e orders pvided in case of distresses be carefully attended, provided y^t for the p^rservation of the publique peace, in case of resistance & forcible rescue, violence be not vsed to occasion y^e shedding of blood saving in their owne defence, but y^t such officer or officers soe by force of armes resisted in discharge of their duty, make report of such resistance & rescue with sufficient prooffe to y^e magistrate or magistrates, or other officer of the plantation where it happens, in due season, to be p^rsented to the generall court.

After this the court came to consider first, whether it was not necessary for vs to vse meanes to England for our legall settlem^t? & after serious debate it was concluded as necessary. 2. What way or meanes might be best for y^t end? After large debate therevpon, it was concluded as best for vs and most feaseable as y^e case now stands wth vs that we seeke a letter of exemption from his Maj^{ty} & to leaue the matter concerneing a pattent in o^r instructions to our agents in England as they shall judge best.

Now for the obtaineing of this, it is ordered that a rate of three hundred pounds be leuied vpon all the plantations in this iurisdic^on & pprietors of Paugasett, in such pay as other rates but att price currant wth the marchant, & in this rate noe pson to be exempted. This to be payd to any that shall disburse moneyes vpon this account vpon convenient notice given & demanded, the money appeareing to be payd.

Now for the maⁿaging of this affayre, a co^mittee was judged necessary to draw vp matters into forme & send to some agents in England whom they judge fittest, and for this end y^e go^vernor & the magistrates & elders of Newhauen, with Mr. Bache, were appointed a co^mittee for this affayre.

It is ordered that y^e 28th of this moneth be kept a day of solemne & publique thankesgiveing for y^e mercies of the yeare past (through this colony) pticularly for a comfortable harvest & health, & y^t yet y^e gospell & liberties thereof is continued to vs & our peace lengthened out in this our p^rsent vnsettled

state, with sundry successes giuen to our endeavors in order therevnto; alsoe that the Lord by his mercifull pvidence, who euer watches ouer his people, hath been pleased to giue them some breathing time in y^e enjoyment of present liberties notwithstanding their feares.

[362] || It is ordered that the 11th day of the next moneth comonly called November, be set apart for extraordinary humiliation & seeking of God by fasting & prayer in y^e behalfe of the afflicted people of God through the world, & y^t he would looke towards vs in our exercised condition & guide to the right vse of meanes for our settlement & giue a blessing to w^t endeavors shalbe vsed for y^t end.

It was ppounded to the court that they would againe encourage a small troope, which they thought might be very vsefull, & it was sd y^t Leiftenn^t Wheeler was willing to encourage the buisines. The co^{rt} vnderstanding y^t L: Wheeler was in y^e ordinary did send to speake wth him, whoe comēing into y^e court & being desired to speake his thoughts concerneing it, he declared, that he looked vpon it as very vsefull & necessary, & thought the countrey was wanting to themselues in y^t they did improoue noe more in y^t way, for he should choose to lessen the foote company to strengthen the horse, especially if an adversary had horse. He being asked if he had been excercised in y^t way? answered that his ability was but litle, something he had done in it, &c, and being asked of his disposition & inclination to y^e worke, answrd that he liued something remote & it would be a p^rjudice to him to attend it but he would rather deny himselfe then the buisenes should ly still for want of his helpe. The co^{rt} declared themselues willing to encourage him & the worke, & ordered that if any would furnish themselues as troopers, being approved by the authority & military officers in each plantation, this court should countenance & encourage them.

Leiftenn^t Wheeler desired to ppound something to y^e court, & haueing liberty declared, that he found some annoyance by the Indians planting soe neare their borders & not fenceing any thing like, but their creatures may goe in as they will, that he can keepe noe hoggs but in pennis; now how far their

duty is & y^e Indians in reference to fenceing he desired to be informed. It was told him y^t it were necessary y^t the Indians should be p^rsent to see what allegations they can make, therefore the court did advise him that he wth the inhabitants of Paugaset & the Indians would come to Milford court, & there to endeavour a compliyanse betweene y^mselues before y^m.

The salleries of the governor & deputy governor being left at May court to further consideration, came now to be considered, & concluded that they could gladly have abated nothing of what was formerly, yet considering the low estate of the colony & many falling off from us they agreed 40^l for the govern^r and ten pound for the deputy governor for this yeare.

[363] AT A COURT OF MAGISTRATES HELD AT NEW HAVEN
THE 9th OF DECEMB: 1663.

P^rsent, the Govern^r, Deputy Govern^r, Mr. Jones, Mr. Fenn, Mr. Treat & Mr. Crane.

John Cooper p^rsent his complaint to the co^rt against Mary Betts, a girle y^t lived with him, who had fired his barne & corne in it, as by her confession hath appeared; alsoe against her sister Hañah Betts & her mother, as feareing they might be accessary to it.

Goodwife Betts being p^rsent was wished to dept the court for a while & Mary Betts was then called & asked her name, whoe owneing her name to be Mary Betts, her examination taken before the magistrates at Newhaven the 25th of Novemb: 1663, was read in her heareing before the co^rt, & is as followeth,

The Deputy Governor called her and told her y^t they heard y^t shee had kindled the fire in her masters barne, whereby barne & corne was all consumed, & therefore she was asked how she did it? She answered that shee did it with a fire-sticke which she tooke out of the house, & being asked how long she was about it, answrd a pretty while; and being asked w^t moved her to it, she answered that her sister Hannah bid her when she was at their house; and being asked what her

sister sd to her, she answered that she sd that if she was bound there she would sett the house & barne afire too; and being asked if shee disliked her place, answrd that she loved her dame well but she had rather goe home to see her mother then stay there, & she wished she might goe home with her sister, & further sd y^t her sister advised her to doe it, for her sister was vexed with her dame because her dame chid her, and she sd she chid her because she could not doe the worke in the house, as sweeping the house, washing y^e dishes, &c; and being asked w^t her dame sd to her sister, she answrd not, but sd that she had it not in her thought to doe it before her sister spake soe to her; and being asked what moved her to doe it yesterday, did yor dame chide you? she answered yes; and being asked for w^t? she sd because shee had tooke some of her aples out of the tub & her dame sd y^t she would fill the tub againe & if she tooke any more shee would whip her; and being asked where her sister gave her that counsell? she answrd that it was in the yard, when her dame was not at home, & she sd to her that she could not abide she should live there, for she would be nothing but chid. Then she was alsoe told that they had heard y^t she had threatned since to burne the house, & was asked y^e reason why she sd soe, she answered because they vexed her; this she spake to Jn^o Ginne & goodw: Dickerman, & being asked if she did not know it to be a wicked thing that she had done, she answered yea.

These things being read to her she owned in all the pticulars & sd that it was true which she had sd concerning her sister; she was asked if she had considered of her wickednes & if she had done well in it, she answered noo, nor would she doe soe againe.

The Court vnderstanding that her mother had been wth her [364] at the || marshalls, asked her w^t her mother sd to her, she answrd that her mother bid her speake the truth & asked her if she set y^e barne on fire, she answered yea; she asked her who see her, she answrd that Zachariah & Nathan^{ll} How; she asked her if her sister Hannah bid her? she answered y^t she did; then her mother sd that her sister did not bid her, but said she was a lieing girle, but Hannah would not lie.

Then she was told seriously of her evill both against God & her master, & how she had done the divells worke & given an ill example to others, therefore had need to crave mercy soe farre as may stand with justice.

Then shee was asked if her sister did not tell her of another that did see; shee answered that she told her y^t Mr. Cranes mayd burnt a barne & had nothing done to her & was released from her servise, & she was a litle girle & if she did it she would have nothing done to her but chid; then she sd she told her sister that she would not doe it, but her sister sd she should & then shee should goe home, & she would have her goe home wth her, & further sd that if she was there she would burne the house & barne too.

Then Hannah Betts was called & told y^t she had heard what her sister had charged withall, & therefore was warned to consider in whose presence she was, not onely before authority, but in y^e p^resence of God whoe wilbe a swift witness against those that shall speake falsely & judge over all her witnessing, therefore to looke y^t she spake truth. She answerd y^t she hoped she should. Then she was asked if she was not at goodman Coopers a litle while before the fire? she answerd she was there, but how long before she knew not, but it was sd that she went away the last day of the weeke was seven night before the fire she went away; in which goeing away there appeared many disorders, both absenting herselfe without leave, & when she could not gett over the ferry she came not to her masters house but lay about from place to place all the Sabbath till she went away to her mother, &c.

Then she was asked what she had to say to what her sister had charged her withall, of counselling her to burne her masters barne, &c, she denied it & sd she must lay it upon some body; it was replied why upon her, she answerd y^t she was a child & y^t she was better lay it upon her then any else.

Then she was asked about the story of Mr. Cranes mayd, but she at first did not owne it but sd she had not soe litle witt as to thinke she should not be punished if she did soe.

Goodwife Betts was then called, & the court told her that they had a sad occasion to call her concerneing her children &

they desired that truth might appeare, that soe God might be glorified. She answerd that she desired it with all her heart. The court then told her that they desired y^t she would joine wth y^e to find out the truth. she answerd y^t she did it: then Mary Betts was asked in y^e p^resence of her mother, what moved her to burne her masters barne, & she sd her sister Hannah: [65] ¶ then the court told her mother that it was unnaturall for her thus to doe if it was not soe, & y^t there was noe necessity of laying it upon her or any else, & further told her that it was beyond the device of such a child to frame such a story as she hath alwayes stood too, haveing been charged to speake the truth. She was asked therefore what she had to say to it? She answered that she hoped it was not in her sister to doe any such thing, & further sd that she had spoke wth her daughter Mary to day, & she told her that she had sd she did it, but she did not doe it.

Then Mary Betts was asked if she told her mother y^t she did not burne the barne? She answered noe. Then goodw: Betts was told that she had defamed the authority w^h she was at Branford, but she denied it & sd indeed shee had something boyling in her mind against one about this busines & told a friend of it, whoe counselled her to be silent if she could not prove it, then she was sorry that shee should have any such thoughts.

Then goodw: Betts was told that she might take notice how God had brought her owne daughter to confront her & her sister before the court, but she sd her conscience was cleare in it, & that it was the manner of her daughter Mary y^t when she was in fault (at home) she would lay it upon her sister.

Then Hannah Betts was againe minded of w^t her sister had charged her with, & was asked w^t she yet had to say to it? She answerd that there was nothing of it true.

Mr. Crane then related how she stood before them at Branford, & being told that she was a bold malepert girle, her mother sd she was glad she was soe, for the righteous is as bold as a lion. She being asked if she sd soe, confessed y^t she might say soe, for w^{ch} she was sharply reproved.

Then goodman Cooper informed the court that he had

heard that goodw: Betts being at goodw: Jones his house (hearing of the fire but not of who had done it,) sd that she looked upon it as a good pvidence that she had noe private discourse wth her daughter Mary the 4th day of the weeke before the fire was, she being at New Haven that day; now she was asked why shee thus speake if y^t she did not thinke it was her daughter. She answrd she had noe cause, onely they being speakeing of her elder girle. She was alsoe minded of some falsitie in her speeches, as y^t she had sd to this purpose, that goodman Andrewes was the first man that saw the fire, & that it was soe high that the child could not doe it, &c, when goodman Andrewes was then at the farmes & never saw it, & she was alsoe told how y^t she stood in the defence of her elder daughter in whose speeches falsities appeared, but was against her younger daughter against which noe such thing yet appeares.

Then goodman Cooper informed the co^{rt} how falsely Hannah Betts had spoken, as that she rode from Branford to Newhaven ferry & from the ferry to M^r. Trowbridges, when there was evident prooffe that she rode not from the farmes to the [366] || waterside.

The Court being adjourned for a litle space & co^{me}ing togeth^r againe asked goodman Cooper what hee thought his loss might bee? Hee answrd that he would give a 100^{li} to be set in the same state as he was before, but he desired that what was done might be that all might heare & feare & doe noe more soe wickedly.

Then the Govern^r sd that he had not much further to say to the litle girle, but the great girle being left under such suspicion, her sister haveing layd such an accusation against her even beyond her owne capacity, she was againe asked w^t she had to say further, whether she was guilty or noe? she answrd noe. Then she was asked againe if she did not tell her that story about M^r. Cranes mayd burning a barne, &c; she answered now that she had spoke to her of that but in noe such way as was charged, but sd maybe she might say M^r. Cranes mayd did burne a barne & was whipt for it, but she knew not upon what occasion she spake it, & that it was at

goodman Dickermans. But the litle girle said that she never spake to her before that time in y^r yard when her dame was from home, & upon that occasion as before. Then Hannah Betts was told how she had contradicted herselfe, before denieing it, but now granting it, but yet minceing it as if it was in y^t place or to that purpose, therefore she was told that if she would bring out the whole truth in a sensible way there might be hope for her, otherwise w^t advantage would it be to her to bring part of the truth & mixt lies with it.

The Court haveing spent much time to find out the truth in y^e case, did at last pceed to sentence as followeth, & first for Mary Betts, the co^rt declared that shee being convicted upon due examination in open court by her owne confession & other circumstances that shee wilfully & in a degree maliciously set fire to & burnt the barne & corne to a considerable value of John Cooper of Newhaven, upon y^e 24th of Novemb: last, to the endangering of his dwelling house & other buildings, &c, it is the judgem^t & sentence of this court that the sd Mary Betts be publikely whipt, & at the same time weare an halter about her neck visibly, the crime ppetrated being capitall by the law, deserving death were shee of age capable of such censure, as signified now by this sentence now given, to be executed in terror to others to p^rvent the like wicked practise by her or any other for the future. It is alsoe ordered by this court, y^t for satisfaction to the sd John Cooper for the great damage he hath sustained by the sd fire, that he may at his liberty sell or dispose of the sd Mary as a bond servant, for & toward his satisfaction, to any pson & into any place within some or other of the English planta^cions of any of the 4 vnited colonies in New England, & not elsewhere, y^t she may live under publike ordinances for her soules good.

And for Hannah Betts, the co^rt declared that she being accused and charged in open court by the sd Mary to have counselled & abetted her in the sd wicked act, of which by all circumstances duely weighed shee seemes to this court to be guilty, yet wanting due prooffe caⁿot pceed to censure in y^t case, yet other complaints co^meing in against her & prooffe made of her contemptuous carriage before authority, her fre-

quent lying & sundry disorders on the Lords day & other [367] times, for all which || this court doe order the sd Hannah Betts to be sett in y^e stocks for the space of one houre (at y^e time of y^e execution of y^e sentence upon y^e sd Mary.) These sentences to be executed upon y^m both alsoe at Branford, a weeke after it is done at Newhaven, for a terror there if the sd Mary shall goe thither to dwell.

And for goodwife Betts the mother of them, shee appeareing faulty in respect of divers untruths, contemptuous carriage before authority at Branford, evill example to her children, tending to harden them in their evill wayes, contrary to the duty of her relation, & to the good behavior she stands bound too by the court or authority of Branford; this court comits the further examination of the premises concerneing her to the sd court, to pceed against her according to law.

This Court haveing received a letter from y^e Right Hon^{ble} Lords of his Majesties Privie Councell, saw cause to order & publish as followeth, viz:

Whereas we the Governor & Councell of this Colony have received a letter from the Right Hon^{ble} Lords of his Majesties Privie Councell, wth a copy of y^e Act of Parliam^t for encreaseing & encourageing his Majesties shipping & navigation, sent unto this Colony by order of the Gene^{ll} Co^{rt} for the Massachusetts, It is therefore ordered that all psons in each plantation of this Colony shall forthwith wth all convenient speed pcure a copy of the sd Act, & duely observe the same from time to time, & that the officers already appointed by the Gene^{ll} Court, in each plantation, doe faithfully approve themselves herein, for his Majesties interest & revenue according to the sd Act, as they will answer the neglect at their perill.

This Court some dayes after this received a letter from his Maj^{ty} by Capt' John Scott, directed to the governors & assistants of all the 4 colonies, as you find upon record, page ^ , and upon consideration of this with the former beforementioned, saw cause to send forth this Declaration, to be published in all the plantations of this colony, which is as followeth, viz:

Whereas the Kings Majesty by his letter under his owne princely hand & signe manuell in red waxe annexed, beareing date the 21th of June, ('63,) from his royall court at Whitehall, directed To his trusty & welbeloved subjects, the Governors & Assistants of y^e Massachusetts, Plymouth, New Haven & Coñecticut Colonies, in New England; & the Lords of his Majesties most honorable Privy Councell, in their letter from his Majties court aforesd, beareing date the 24th of June in the yeare aforesd, supscribed, For his Majties speciall service, To our very loveing freind John Endecott, Esq; Governor of his Majties plantations in New England, and to the Governor & Councell of the Colony of the Massachusetts wth the rest of the Governors of the English plantations in New England respectively, and by order of the Gen^l Court at Boston entred upon record in that court, is particularly directed to the Governor of the sd Colony of Newhaven, in which letters his Majty hath comāded this Colony many matters of weight, very much respecting his Majesties servise & the good of this countrey in gen^l, expecting upon his displeasure the strict observance thereof, which this court (most of the townes of this colony being situate by the sea side & soe fitly accomodated to fulfill [368] his Majties || comāds) are resolved to their utmost to obey & fulfill, but in their consultation thereabouts they find through the disloyall & seditious principles & practises of some men of inconsiderable interests, some of his Majesties good subjects in this Colony have been seduced to rent y^mselves from this Colony, by which division his Majesties affayres in these parts (in case some speedy course be not taken for the prevention thereof,) is like to suffer, the peace of this countrey to be endangered, & the heathen amongst us scandalized; the which if we should connive at, especially at this time, his Majty haveing soe particularly directed his royall comāds to this Colony as aforesd, we might justly incurre his displeasure against us; this Court therefore doth in his Majties name require all the members and inhabitants of this Colony heartily to close wth the endeavors of the Governor & Assistants thereof, for the fulfilling his Majesties comāds in the sd letters expressed, & in order thereunto to returne to their due obedi-

ence and paying their arreares of rates for defraying the necessary charges of the Colony & other dues, wthin six dayes after the publication hereof, unto such pson or psons as are or shalbe apointed to collect the same in attendance to the lawes & orders of this Colony. All which being done, this Court shall for ever passe by all former disobedience to the governm^t; but if any shall p^rsume to stand out against his Maj^{ties} pleasure soe declared as aforesd concerning this Colony, at y^r perill be it, this Court shall not fayle to call the sd psons to a strict account & pceed against y^m, (as disloyall to his Maje^{ty} & disturbers of the peace of this Colony,) according to law.*

* *From the Connecticut Council Record.*

"At a meeting of the councill the 28th of Decemb^r, 1663.

John Winthrop, Esq^r, Gou: Mr. Bray Rosseter, John Bishop, Isack Crittingdon & Mr. Allyn, John Rosseter presented a declaration dated at New Haven, December 18, 1663, signed by James Bishop, Mr. Willys, Secretary, which declaration was ordered by the court Mr. Woolcott, of magistrates at Newhaven afoarsayd to be published, L^d John Allyn, of magistrates at Newhaven afoarsayd to be published, &c, as the sayd declaration declareth; the sayd Mr. Rosseter allsoe complayneing of some threatening expressions that haue bin by some vented against diuers that haue submitted to the gouernment of Connecticutt.

"This Councill haueing considered the premises & feareing the peace of the colony will be interrupted by these motions vnless some speedy course be taken to preuent it, doe nominate & appoynt Mr. Willys, John Allyn & Mr. Wayt Winthrop to goe to Guilford to treat wth Mr. Leet (and any other whom Mr. Leet shall desire to joyne wth himselfe) about the indemnity of the persons & estates of those that haue actually joyned to o^r gouernment, according to these followeing instructions,

"1. If the sayd Mr. Leet will giue security by his word for the indemnity of the afoarsayd persons and y^r estates, then you are to propownd some propositions for o^r vniteing, according to priuate instructions.

"2. If they will attend any such propositions, if you cannot com to a conclution & issue, you are to appoynt a meeting at Middleton for a farther treaty, where this councill will send a committee fully impowred to conclude all matters between us and N. Haven and the rest.

"3. If none of these propositions will be attended by them, then you are in his Ma^{ties} name & by order from the councill of this colony to require them to forbear putting in execution there afoarsayd declaration against any of those that haue joyned to o^r gouernment, & allso to administer the oath of a constable to John Meggs, and to require him to use his utmost endeauour to mayntajne the peace of this colony amongst those at Guilford that haue joyned to the gouernment of this colony."

The following is all that remains of any correspondence which passed at this time.

[Misc. 1. 75. Draught by Secretary Allyn.]

Guilford, Decemb^r 30th, 1663.

Worthy Sr,

After the presentation of o^r service unto yourselfe, you may please to understand that we vnderwritten, being a comitte authorized by the councill of y^r Colony of Conecticut, doe desire that yourselfe would be pleased to giue us a meeting to

AT A GENERALL COURT HELD AT NEW HAVEN FOR THE JURIS-
DICTION, THE 7th OF JANUARY, 1663.

PRESENT,

Deputies.

The Govern^r,
Deputy Govern^r,

L. John Nash, }
James Bishop, } for N. Haven.

Mr. Jones, }
Mr. Fenn, } *Magistrates.*
Mr. Treat, }
Mr. Crane, }

Tho: Welch, }
Rich: Baldwin, } Milford.

John Fowler, }
John Scrantum, } Guilford.

Mr. Rich: Lawe, }
L: Fra: Bell, } Stamford.

L: Sam^l Swaine, }
Lawrence Ward, } Branford.

The publishing of the former declaration at Guilford occasioned Mr. Rossiter & his son to goe up to Conecticut, & there obtained two of their magistrates, marshall & sundrie others to come downe wth them to Guilford on the 30th of Decemb: last, whoe comēing into the towne at an unseasonable time of night, their partie by shooting off sundry guns caused the towne to be alarmed unto great disturbance, & some of them giving out threatening speeches, which caused [369] the governor to send away speedily to || Branford and Newhaven for helpe,* which caused both those townes to be

morrow about nine of y^e clocke, to treat of such things as present concernments doe require,

Yours,

Sam. Willys,
John Allyn,
James Richards,
Wait Winthrop.

These for W^m Leete, Esq^r at his house in Guilford.

[Misc. I. 74. In handwriting of Gov. Leete.]

Guilford, Dec. 30th, 1663.

Honrd Gentlemen,

My answer sent before by Jonatha Gilbert was in earnest, to let you know my true capacity & resolutio, fro w^{ch} I cannot recede, & rest,

Yo^{rs} in w^{ch} I may,
[Willm Leete.]

For Mr. Willis, Mr. Jo. Allin, Mr. Richards, [Mr. Waite Winthrop.]

* At a General Court for New Haven, December 31, 1663, Mr. Jones acquainted the town with the business of Guilford the last night, and how they had sent away six troopers to see what the matter is, but ordered them not to provoke, neither by word nor action, but to keep the peace. Town Rec. III. 81.

In the spring of 1666, after the union, Mr. Rossiter procured a summons for the

alarmed alsoe, to great disturbance, y^e same night, which caused sending of men both from New Haven & Branford. Now for the gaineing of a right understanding of the busines, & to consider w^t to doe upon this & the like accounts, occasioned the calling of this court, though the weather proved very unseasonable.

But the Court being mett together (soe many of y^m as could possibly stay,) the governor related the whole buisines to the best of his remembrance, & among other things he informed the court that those gent: of Connecticut that came downe with Mr. Rosseter & his sonne did earnestly desire that there might be at least a suspension of the execution of that declaration, till there might be another conference betwixt them & us, wherein they hoped matters might come to a more comfortable issue, & they very earnestly pressed for such a thing, turging how dangerous the contrary might be, for they sd that w^t we did to those men whom they had admitted, they must take it as done to Connecticut Colony, &c. Therefore he now desired to know the mind of the court, whether they would yeild to them soe farre or noe; but the court considering how fruitles all former treaties had been, & y^t they had formerly ordered that there should be noe more treaty with y^m unless they first restore us those members which they had soe unrighteously tooke from us, therefore did now againe confirme y^e same, & in y^e issue came to this conclusion, to desire Mr. Davenport & Mr. Streete to draw up in writing all our grievances & then wth the approbation of as many of the committee as could come together, to send it to Connecticut, unto their gen^l assembly, which accordingly was done in March next, which writing you have recorded after the conclusions of this court, with arguments annexed & sundry testimonies both from Guilford and Stamford.

appearance of Mr. Leete and William Seward before the court at Hartford, to answer "an action of unjust molestation manadged in an hostil manner," grounded on what took place at this time, whereupon Mr. Leete went over to New Haven to see if they would stand by him, for what he did then, he did as governor of the colony. The town voted that he was justified, but the court and jury found for Mr. Rosseter costs of court, but could not agree as to the damage. The case was afterwards appealed, and settled by the general court. N. H. Town Rec. iii. 65. Rec. P. Court 31, 32. Trumb. Col. Rec. Conn. ii. 23, 25, 26, 40.

Then it was alsoe p'pounded whether this court would confirme the former declaration sent forth by the magistrates, which was by vote concluded.

It is alsoe ordered that for the p'servation of the peace of this colony, & for the more speedy execution of justice in each of the plantations thereof, a court of magistrates may sit with full power to act & doe in all matters within their power by former laws established, in any of the plantations within this colony, as if the same were at Newhaven, any law or former vsuage to the contrary notwithstanding, p'vided the same be upon lawfull sūmons. This to continue till further order.

It was alsoe p'pounded to this court about the respect shewed to Capt' Scott & the charges that had been expended, whether they would allow it or not, alsoe some wheate, indian, boards & leather, which he had received. The court considering that he had been a good freind to the colony in generall, & to some principle p'sons in particular, did by vote conclude that it should be allowed by the publike.

It was alsoe agreed that the co'mittee should treat wth Capt. Scott about getting a Pattent for Delaware.

[At a meeting of the Council of Connecticut February 6th, 1663, Mr. Samuall Willys, Mr. Henry Wolcott, John Allyn and Mr. James Richards, were desired to go to Guilford and New Haven with these instructions.

"It is agreed by the councill that if o' honoured freinds of N. H., Guilford, Brandford, Milford & Stanford, will treat wth us for an accomadation, then we will graunt & confirme to them all such priuiledges as they shall desire, which are not repugnant to the tenour of o' charter.

(" *This following particuler is not to be put in execution before we heare what o' hono^rd gouernour & the rest effect there.*)

"But if they will not treat wth us, & agree for their settlement, then they are hereby ordered to read the charter at a publique meeting (if they can attaine it) & to declare that we expect their submission to his Majesties order therein contained; & allso to comission those now in place to gouerne the people there according to lawe untill farther order be taken, & to draw up a declaration which shall be publicly made known to y^e people, whereby they may be informed what rationall & christianlike propositions haue bene made to the gent^e there, in seuerall treaties for the settlement of o' & their vnion."

Conn. Council Rec.

The committee set out on their mission towards the latter part of the month, and the following documents shew what was done.

[Conn. Rec. Misc. i. 78. In handwriting of William Jones.]

24th 12^m 1663.

Gentlemen, In order to treaty we propound as a necessary expedient that yo^r redintegrate o^r colony by restoring o^r members at Stamford and Gilford, that the confederacion may be repaired & p^rserved, then we have pow^r from o^r gen^l court to treat wth yo^a and to settle agreem^t according to God, between yo^r colony & ours for future peace betweene vs, for o^rselves and o^r posterity mutually, wth we shall readily attend vpon o^r receipt of yo^r positive consent to the p^rmises testified by yo^r joint subscripçon therevnto being made an authentickall act,

Willm Leete,
Mathew Gilberte,
W^m Jones,
Beniamin Fenn,
Jasper Crane,
Robert Treatt.

[Misc. i. Doc. 77. Draught by John Allyn.]

Feb. 24th, 1663.

Gentlemen, In answer to your proposalls & as an expedient for y^r promoting of peace we propound as followeth,

1. In reference to your dissatisfactions respecting diuers persons of Gilford & Stamford, & to preuent diuissions in those plantations, it is agreed that they be ordered to submit to y^r same authority wth their neighbours in those places.

2. It is agreed that all y^r elected officers in N. Hauen, Gilford, Milford, Branford, be hereby authorized to administer justice to the people in those plantations according to lawe, & the people to chuse new officers at N. Hauen at y^r usuall time for that purpose for the management of y^r affayres wthin those plantations, wth due caution that o^r pattent be noe wayes violated y^rby.

3. That all motions or occasions tending to obstruct further vnion be carefully shuned, & that all past greiuenes be buried, vpon a penalty on any that shall reuiue them.

4. And that it be referred to y^r prudent consideration of those in place of authority both in ch: & comonwelth to thinke of accomodations most conduceable to y^r settlem^t of religion & righteousness vpon the firmest basis of peace, truth and vnity, for the benefit of posterity, & y^r some sutable persons doe meet to y^r purpose when either the much honrd M^r. Winthrop or M^r. Leet shall iudge it a fit season, y^r soe brotherly amity may be propagated to future ages.

Sam^l Willys,
Henry Woolcott,
John Allyn,
James Richards.

[Misc. i. Doc. 79. In an unknown hand.]

Feb: 25: 1663.

Gentlemen,

As to your first artickle in your paper sent vs, wee quærye whyther it bee an authentick act as donne by yow, or not tyll it bee conformed

by your generall assembly; wth if it bee, wee desyre that yow doe signifye soe much vnder your hands, as also that they are possitiuely restored to this iurysdiction by vertue thereof.

Willm Leete, in the name of the rest
of y^e Magistrates.

[In the hand of John Allyn.]

Feb. 25, 1663.

Gentlemen,

In answer to yours we returne that we are ready to make authentick what we haue proposed to you, if you please to treat wth us as they are propounded. John Allyn, in y^e name of y^e Comitte.

We expect your answer whether you please thus to treat wth us or not.]

[870] The writings sent to the Gen^{ll} Assembly of Coñecticut here followeth, & the first is called

NEWHAVENS CASE STATED.

[To y^e honord John Winthrop, Esq^r, Governo^r, or to y^e honord Major Mason, Deputy Governo^r of Coñecticut Colony, to be communicated to the honord the Generall Assembly for ye s^d Colony.]

Honord & Beloved in the Lord,

We, the Gen^{ll} Court of New Haven Colonie, being sensible of the wrongs which this Colony hath lately suffered by yor unjust prætenses & encroachm^{ts} upon our just & pper rights, have unanimously consented, though wth greife of heart, being compelled thereunto, to declare unto you & unto all whom the knowledge thereof may concerne, what yo^rselves doe or may know to be true, as followeth,

1. That the first beginners of these plantations by the sea side in these westerne parts of New England, being ingaged to sundrie freinds in London & in other places about London, (who purposed to plant, some with y^m in the same towne, & others as neare to y^m as they might,) to pvide for themselves some convenient places by the sea side, arrived att Boston in the Massachusetts, (haveing a speciall right in their Pattent, two of y^m being joint purchasers of it wth others, & one of y^m a pattentee & one of y^e assistants chosen for the New England Company in London,) where they abode all the winter followeing, but not findeing there a place suitable to their purpose, were pswaded to view these parts, which those that viewed approved, and before their removeall, findeing that noe English were planted in any place from y^e fort (called Say Brook) to the Dutch, purposed to purchase of the Indians the

naturall pprieto^rs of those lands, that whole tract of land by the sea-coast for themselves & those y^t should come to y^m, which they alsoe signified to their freinds at Hartford in Coñecticut Colony, & desired that some fitt men from thence might be employed in y^t busines, at their pper cost & charges whoe wrote to them. Vnto which letter haveing received a satisfieing answer, they acquainted the court of magistrates of Massachusetts Colonie wth their purpose to remove & the grounds of it, and wth their consent began a plantation in a place situated by the sea, called by the Indians Quillipiack, which they did purchase of the Indians the true pprietors thereof, for themselves & their posterity, & have quietly possessed the same about sixe & twenty yeares, & have buried great estates in buildings, fensings, clearing the ground, & in all sorts of husbandry, without any helpe from Coñecticut or dependance upon them. And by voluntary consent among themselves they settled a civill court & governm^t among themselves, upon such fundamentalls as were established in Massachusetts by allowance of their pattent, whereof the then governo^r of the Bay, the Right Worp^l Mr. Winthrop sent us a coppie to improv^e for our best advantage. These fundamentalls all the inhabitants of the sd Quillipyack approved, & bound themselves to submitt unto & maintaine, & chose Theophilus Eaton, Esq; to be their governo^r, with as good right as Coñecticut settled their governm^t among themselves & continued it above 20 yeares without any pattent.

2. That when the helpe of Mr. Eaton our governo^r & some others from Quillipiack was desired for ending of a controversie at Weathersfield, a towne in Coñecticut Colony; it being judged necessary for peace y^t one partie should remove theyr [371] dwellings, upon equall satisfieing tearmes || pposed, the governo^r, magistrates, &c, of Connecticut offred for their part y^t if the partie y^t would remove should find a fitt place to plant in upon the river, Coñecticut would grant it to them; and y^e governo^r of Quillipyack, (now called Newhaven,) & the rest there present joined with him & pmised that if they should find a fitt place for y^mselves by the sea-side, Newhaven would grant it to them, which accordingly Newhaven pformed, & soe the towne of Stamford began & became a member of New Haven Colonie, & soe continueth unto this day. Thus in a publike assembly in Coñecticut was the distinct right of Coñecticut upon the river & of Newhaven by the sea-side declared wth consent of the governo^r, magistrates, ministers & better sorte of y^e people of Coñecticut at y^t time.

3. That sundrie other townships by the sea-side, & South-hould on Long Island, (being settled in theyr inheritances by

right of purchase of theyr Indian pprietors,) did voluntarily joine themselves to Newhaven to be all under one jurisdicōn, by a firme ingagem^t to y^e fundamentalls formerly settled in Newhaven, whereupon it was called New Haven Colonie. The gen^l court being thus constituted, chose the sd Theophilus Eaton, Esq; a man of singular wisdom, godlines & experience, to be the governo^r of New Haven Colonie, & they chose a competent number of magistrates & other officers for the severall townes. M^r. Eaton soe well manadged y^t great trust y^t he was chosen governo^r every yeare while he lived. All this time Coñecticut never quæstioned w^t was done at Newhaven, nor prætended any right to it, or to any of the townes belonging to this colony, nor objected against our being a distinct colonie.

4. That when the Dutch claymed a right to New Haven & all along the coast by the sea side, it being reported they would sett up the prince of Auranges armes, the governo^r of Newhaven to p^rvent that, caused the king of Englands armes to be fayrely cutt in wood & sett upon a post in the highway by the sea side, to vindicate the right of the English, without consulting Coñecticut, or seeking their concurrence therein.

5. That in the yeare 1648, upon weighty considerations, an union of foure distinct colonies was agreed upon by all New England (except Road Island) in their severall gen^l courts, & was established by a most solemne confœderation, whereby they bound themselves mutually to p^rserve unto each colonie its intire jurisdicōn within itselſe respectively, and to avoyd the putting of two into one by any act of their owne wthout consent of the coñmission^{rs} from the 4 united colonies, which were from y^t time & still are called & knowne by the title of *the foure United Colonies of New England*; of these colonies Newhaven was & is one. And in this solemne confœderacōn Coñecticut joyned with the rest and with us.

6. That in the yeare 1644, the gen^l court for Newhaven Colonie, then sitting in y^e towne of Newhaven, agreed unanimously to send to England for a Pattent, & in y^e yeare 1645, coñmitted the p^rcureing of it to M^r. Grigson, one of our magistrates, whose entred upon his voyage in January y^t yeare from Newhaven, furnished with some beavor in order thereunto as we suppose, but by the providence of God, the ship & all the passengers & goods were lost at sea in their passage toward England, to o^r great [loss] & the frustration of y^t designe for y^t time; after which the troubles in England put a stop to o^r p^rceedings therein. This was done wth the consent & desire of Coñecticut to concurre with N. Haven therein; whereby the difference of times & of mens spirits in them may be discov-

ered, for then the magistrates of Coñecticut with consent of [372] || their gen^l court, knoweing our purposes, desired to joine with New Haven in pcureing y^t pattent for coñon priviledges to both in their distinct jurisdicōns, & left it to M^r. Eatons wisdome to have the pattent framed accordingly. But now they seeke to pcure a pattent without the concurrence of Newhaven, & contrary to our minds expressed before this pattent was sent for, & to their owne promise, & to y^e tearmes of the confœderacōn; and without sufficient warrant from their pattent they have invaded our right, & seeke to involve Newhaven under Coñecticut jurisdicōn.

7. That in the yeare 1646, when the coñmission^{rs} first mett at Newhaven, Keift the then Dutch governo^r by lett^{rs} expos- tulated wth y^e coñmission^{rs}, by what warrant they mett at Newhaven w^{thout} his consent, seeing it & all by the sea coast belonged to his principalls in Holland, & to the Lords y^e States Gen^l. The answer to y^t letter was framed by M^r. Eaton, governo^r of N. Haven, and then p^rsident of the coñmission, approved by'all the coñmission^{rs}, & sent in their names, wth their consent to the then Dutch governo^r, who never replied thereunto.

8. That this colony in y^e reigne of the late King Charles the first, received a letter from y^e coñmittee of Lords & Coñmons for forreigne plantations, then sitting at Westminster, which letter was delivered to our governo^r M^r. Eaton, for freeing the severall distinct colonies of New England from molestations by the appealing of troublesome spirits unto England, whereby they declared that they had dismissed all causes depending before y^m from New England, & that they advised all inhabit- ants to submitt to their respective governm^{ts} there established, & to acquiesce wⁿ their causes shalbe there heard & deter- mined; as it is to be seene more largely expressed in the originall, which we have subscribed, Yo^r assured freinds,

Pembroke, Manchester, Warwick,
W. Say & Seale, Fr. Dacre, &c, Denbigh.

In this order they subscribed their names with their owne hands, which we have to shew, & they inscribed or directed this letter, To our worthy freinds, the governo^r & assistants of the plantations of Newhaven, in New England.

Whereby you may clearely see y^t y^e right honor^{ble} the earle of Warwick & the lord viscount Say & Seale (lately one of his maj^{ties} y^t now is, King Charles the 2^d his most honor^{ble} privy counsell, as alsoe the right honor^{ble} earle of Manchester still is,) had noe purpose after Newhaven Colonie situated by the sea-side was settled to be a distinct governm^t, y^t it should be put under the pattent for Coñecticut, whereof

they had onely framed a coppy, before any house was erected by the sea-side from the fort to the Dutch, which yet was not signed & sealed by the last king for a pattent, nor had you any pattent till yo^r agent M^r. Winthrop pcured it about two yeares since.

9. That in y^e yeare 1650, w^h the co^mission^{rs} for *the 4 Vnited Colonies of N. Eng'* met at Hartford, the now Dutch governo^r being then & there present, M^r. Eaton, the then governo^r of Newhaven Colonie, complained of the Dutch governo^r encroaching upon our colonie of Newhaven, by takeing under his jurisdic^on a towneship beyond Stamford, called Greenwich. All the co^mission^{rs} (as well for Coⁿecticut as for the other colonies) concluded that Greenwich & foure miles beyond it belongs to Newhaven jurisdic^on, whereunto the [373] Dutch governo^r then yeilded, & restored || it to Newhaven Colonie. Thus were our bounds westward settled by consent of all.

10. That when the hono^rd governo^r of Coⁿecticut, John Winthrop, Esq; had consented to undertake a voyage for England to pcure a pattent for Coⁿecticut, in the [year] 1661, a freind warned him by letter not to have his hand in soe unrighteous an act, as soe farre to extend the line of their pattent y^t the colonie of Newhaven should be involved w^hin it. For answer thereunto, he was pleased to certify that freind in two letters which he wrote from two severall places before his departure, that noe such thing was intended, but rather the contrary, & that the magistrates had agreed & expressed in the p^rsence of some ministers, that if their line should reach us (which they knew not, the coppie being in England,) yet Newhaven Colony should be at full liberty to joine w^h them or not. This agreem^t, soe attested, made us secure, who else could have pcured a pattent for ourselves, w^hin our owne known bounds, according to purchase, w^hout doeing any wrong to Coⁿecticut in their just bounds and limitts.

11. That notwithstanding all y^e p^remises, in the yeare 1662, when you had received yo^r pattent, under his maties hand & seale, contrary to yo^r pmise & solemne confedera^on & to co^mon equity, at yo^r first gen^l assembly (which yet could not be called gen^l w^hout us, if we were under your pattent, seeing none of us were by you called thereunto,) you agreed among yourselves to treate w^h Newhaven Colonie about union, by yo^r co^mission^{rs} chosen for that end, w^hin two or three dayes after y^t assembly was dissolved, but before the ending of that session you made an unrighteous breach in o^r colonie, by takeing under yo^r pattent some of ours from Stamford, & from Guilford, & from Southhold, contrary to y^r

ingagem^{ts} to Newhaven Colonie, & wthout our consent or knowledge. This being thus done, some sent from you to treat wth us shewed some of ours yo^r pattent, which being read, they declared to yours that N. H. Colonie is not at all mentioned in yo^r pattent, & gave you some reasons why they beleived y^t the king did not intend to put this colonie under Coⁿnecticut wthout our desire or knowledge; & they added that you took a præposterous course in first dismembring this colony, & after that treating wth it about union, which is as if one man purposing to treat wth another about union first cutt off from him an arme & a legg & an eare, then to treat wth him about union. Reverend M^r. Stone alsoe, the teacher of the church at Hartford, was one of the co^mmittee, who being asked what he thought of this action, answered y^t he would not justifie it.

12. After that conference, our co^mmittee sent by order of y^e gen^{ll} court, by two of o^r magistrates & two of o^r elders, a writeing containeing sundry other reasons for our not joineing wth you, who also findeing y^t you psisted in your owne will & way, declared to you our owne resolution to appeale to his maj^{ty} to explaine his true intendm^t & meaneing in your pattent, whether it was to subject this colony under it or not; being pswaded, as we still are, y^t it neither was nor is his royall will & pleasure to confound this colonie wth yours, which would destroy the soe long continued, & soe strongly settled distinction of the 4 *United Colonies of New England*, wthout our desire or knowledge.

13. That accordingly we forthwth sent our appeale to be humbly p^rsented to his mat^{ie} by some freinds in London, yet out of our deare & tender respect to M^r. Winthropes peace & hono^r, some of us advised those freinds to co^municate o^r papers first to hono^rd M^r. Winthrop himselfe, to the end that we might find out some efectuall expedient to put a good end to this uncomfortable difference between you & us; else to p^rsent our humble address to his maj^{ty}. Accordingly it was done, & M^r. Winthrop stopped the p^rceeding of our appeale by undertakeing to our freinds that* [matters should be issued to our satisfaction, & in order therunto hee was pleased to write a letter to Major Mason yo^r deputye gouernor, & the rest of the court of Coⁿnecticut Colonie, from London, dated March 3^d, 1662, in these words,—Gentlemen, I am enformed by some gentlemen who are authorized to seeke remedy heer, that since yow

* The remainder of this document is not recorded, but two blank pages were left for that purpose. What follows in brackets is from the original in the handwriting of Rev. Mr. Street, with occasional corrections by Mr. Jones, preserved in Misc. 1. doc. 80.

had the late pattent there hath binn injury done to the gouernm^t of Newhaven, & in p^ticular at Guilford & Standforde in admitting seuer^{ll} of the inhabitants there vnto freedome wth yow, & appointing officers, w^{ch} hath caused deuission in the s^d townes, w^{ch} may proue of dang^rous consequence if not timely p^ruented, though I doe hope the rise of it is from missunderstanding & not in designe of p^rjudice to that colonie, for whom I gaue assurance to theyr freinds that theyr rights & intrests should not bee disquieted or p^rjudiced by the pattent. But if both gouernm^{ts} would wth vnanimous agreem^t vnite in one, theyr freinds judged it would bee for advantage to both, & farther, I must lett yow knowe that testimonie heer doth affirme that I gaue assurance before authoretye heer, that it was not intended to medle wth any towne or plantation that was settled vnder any other gouernm^t. Had it binn any otherwise intended or declared, it had binn injurious in taking out the pattent not to haue enserted a p^portionable number of theyr names in it. Now vpon the whole, haueing had serious conference wth theyr friends authorized by them, & wth others who are freinds to both, to p^ruent a tedious & chargeable tryall & vncertaine euent here, I p^mised them to giue yow speedily this representa^on, how farr yow are engaged, if any injurye hath binn done by admitting of freemen, or appointing officers, or any other intermedling wth Newhaven Colonie in one kinde or other wthout approba^on of the gouernm^{ts}, that it be forthwth recalled, & that for future there will bee noe imposing upon them nor admitting of any members wthout mutuall consent, but that all things be acted as loueing, neighbouring colonies, as before such pattent graunted. And vnto this I judg yow are obliged, I haueing engaged to theyr agents here that this wilbe by yow p^formed, & they haue therupon forbore to giue yow or mee any further trouble. But they doe not doubt but upon future consideration there may be such a right vnderstanding between both gouernm^{ts} that an vnion & friendly joyning may be established to the satisfaction of al, w^{ch} at my arriueall I shall endeaour (God willing) to p^mote. Not haueing more at p^rsent in this case, I rest,

Yo^r humble s^rvante,

John Winthrop.

The coppie of this letter was sent to Mr. Lecte vnsealed, wth Mr. Winthrops consent, & was written by his owne hand, & the substance of this agreem^t between some of our friends in London is fully attested by them in theyre letters to some of vs. Say not that Mr. Winthrops acting in this agreem^t is nothing to yow, for he acted therin as yo^r publick & comon

agent & plenipotentiary, & therefore his actings in that capacitie & relation are yo^rs in him.

14. That after M^r. Winthrops returne, when some from yow treated againe wth our comittee about vnion, it was answered by o^r comittee that we could not admitt any treaty wth yow about that matter tyll we might treat as an intire colonie, our members being restored to vs whome yow haue vnrightcously wthheld from vs, wherby also those parties haue bine many wayes injuriouse to this gouernm^t, and disturbers of our peace; w^{ch} is & will be a barr to any such treatie till it be remoued, for tyll then we cannot joine wth yow in one gouernm^t wthout fellowship in your sin.

15. That after this, nothing being done by yow for our just satisfaction, at the last meeting of the commission^{rs} from the four Vnited Colonies of New England, at Boston on the day of Septembr, 1663, the commission^{rs} from Newhauen Colonie exhibited to the other commission^{rs} theyr confederates, a complainte of the greate injuries done to this colonie by Connecticutt, in the p^rsence of yo^r commission^{rs}, who for answer therunto shewed what treaties they haue had wth Newhauen, but that plea was inconsiderable through yo^r psisting in vnrightcously wthholding our membr^s from vs, whearby our wounds remaine vnhealed, being kept open & continually bleeding. The result of the commission^{rs} debates about that complaint was in these words, The commission^{rs} of Massachusetts & Plimouth haueing considered the complaints exhibited by Newhauen against Connecticutt, for infringeing theyr power of jurisdiction, as in the complainte is more pticularly expressed, togeither wth the answer returned therto by Connecticutt commission^{rs}, wth some other debates & conferences that haue passed between them, doe judge meet to declare, that the s^d Colonie of Newhauen being owned in the Articles of Confederation as distinct from Connecticutt, & haueing bin soe owned by the colonies in this p^rsent meeting, in all theyr actings, may not by any act of violence haue their libertie of jurisdiction infringed by any other of the Vnited Colonies wthout breach of the Articles of Confederation, & that where any act of power hath bin exerted against their authoritie, that the same ought to be recalled, & their power reserued to them intire, vntill such time as in an orderly waye it shall be otherwise disposed. And for pticular greiuances mentioned in theyr complainte, that they be reffered to the next meeting at Hartford, &c.

Wee suppose that when they speak of disposing it otherwise in an orderly way, they mean wth our free consent, there being noe other orderly way by any act or power of the Vnited

Colonies for disposing the colonie of Newhauen otherwise then as it is a distinct colonie, haueing intire jurisdiction wthin itself, w^{ch} our confederates are bound by their solempne confederation to p^rserue inviolate.

16. That before yo^r generall assembly in Octobr last, 1663, our comitte sent a letter vnto the s^d assembly, wherby they did request that our members by yow unjustly rent from us should be by yow restored vnto vs, according to our former frequent desires, & according to M^r. Winthrops letter & promise to authority in England, & according to justice, & according to the conclusion of the commission^rs in their last session at Boston, whereunto yow returned a reall negative answer contrary to all the p^rmisses, by makeing one Brown yo^r constable at Stamforde, who hath been sundrie wayes injurious to vs & hath scandalously acted in the highest degree of contempt, not onely against the authority of this jurisdiction but also of the king himself, pulling downe wth contumelies the declaration w^{ch} was sent thither by the courte of magistrates for this colonie, in the kings name, & comanded to bee sett vp in a publick place that it might bee read & obeyed by all his majesties subjects inhabiting our towne of Stamford.

17. That thereupon at a generall courte held at Newhaven for the jurisdic^{on}, the 22th of Octobr, 1663, the deputies for this generall courte signified the minde of our freemen as not at all satisfied wth the proposall of the comitte from Conecticut, but thought there should be noe more treatie wth them vnless they first restore vs to our right state againe. The matter was largely debated, & this gener^l courte considering how they of Conecticut doe cast of our motion in the forementioned letter & giue vs noe answer, but that contrary thereunto, as is reported, they haue further encouraged those at Guilford & Stamford, therefore this courte did then order that noe treaty be made by this colonie wth Conecticut before such acts of power exerted upon any of our townes be reuoked & recalled, according to hono^r^d M^r. Winthrops letter ingageing the same, the comission^rs advice, & our frequent desires.

18. That in this juncture of time wee receiued two letters from England, mentioned in the following declaration published by the courte of magistrates vpon that occasion, in these words; Whereas this colonie hath receiued one letter under his majesties royall hand & seale (manuall in red wax) annexed, bearing date the 21th of June, 1663, from his royall courte at Whitehall, directed To his trusty & well beloued subjects the governors & assistants of the Massachusetts, Plymouth, Newhaven & Conecticut colonies in New England; and one other letter from the lords of his majesties most hon-

ourable priue counsell, from his majesties courte aforesaid, bearing date the 24th of June in the yeare afores^d, subscribed, For his maj^{ties} speciall seruice, and directed To our very loveing friend John Endeicott, Esq^r, gouernour of his maj^{ties} plantacons in New England, & to the gouernour & counsell of the colonie of the Massachusetts, wth the rest of the gouerno^rs of the English plantations in New England respectiuelly, & by order of the gener^{ll} courte at Boston recorded in the courte, it is pticularly directed to the gouerno^r of the colonie of Newhaven; in w^{ch} letters his maj^{ty} hath comanded this colonie many matters of weight, very much respecting his maj^{ties} seruice & the good of this country in gener^{ll}, expecting vpon displeasure the strict observance thereof, w^{ch} this courte (this colonie being situated by the sea side, & soe fitly accomodated to fullfill his maj^{ties} comandes) are resolved to theyr vtmost to obey & fulfill. But in theyr consultation thereabout, they finde through the disloyall & seditious principles & practises of some men of inconsiderable intrests, some of his maj^{ties} good subjects in this colonie haue binn seduced to rent themselues from this colonie, by w^{ch} diuission his maj^{ties} affaires in these parts are like to suffer, the peace of this countrey to be indangered, & the heathen amoung vs scandallized, in case some speedie course be not taken for the p^rvention thereof, the w^{ch} if wee should conive at, espetially at this time his maj^{ty} haueing so pticularly directed his royall comandes to this colonie as afores^d, we might justly encurr his displeasure against vs. This courte therefore doth in his maj^{ty}s name require al the members & inhabitants of this colonie heartily to close wth the endeauors of the governor & assistants therof for fulfilling his maj^{ties} comandes in the s^d letters expressed, & in order therevnto to returne to theire due obedience & payeing theire arrears of rates for defraying the necessary charges of the colonie, & other dues, w^{thin} six dayes after the publication hereof, vnto such pson or psons as are or shall be appointed to collect the same, in attendance to the lawes & orders of this colonie. All w^{ch} being done, this courte shall foreuer pass by all former disobedience to this governm^t; but if any shall p^rsume to stand out against his maj^{ties} pleasure soe declared as afores^d concerneing this colonie, at theire perill be it, this court shall not faile to call the s^d psons to a strict account & pceed against them as disloyall to his maj^{ty} & disturbers of the peace of this colonie, according to lawe.

19. This declaration being grounded in generall upon his maj^{ties} comands expressed in those letters, & in speciall in order to the p^rseruation of his maj^{ties} customes in that case puided for by act of this p^rsent parliament, w^{ch} act was sent

inclosed wth the letter to our governo^r, requireing his strict obseruance of the same vnder the penalty of displacing & a thousand pounds fine, & therfore in case any difference should arrise to his maj^{ty} vpon these accounts, we must be inforced to laye the cause of it at your doore, because when it was sent to the seuerall townes of this colonie & sett vp in publick places to be seen & read of all, that all might obey it, it was at Stamford violently plucked downe by Browne yo^r constable, & wth reproachfull speeches rejected, though sent in his maj^{ties} name & by the authority of our court of magistrates. And after it was published at Guilford, Bray Rosseter & his sone hastened to Conecticut to require your aid against this gouernm^t, w^{ch} accordingly yow to hastily pformed, for on the 30th of Decembr, 1663, two of yo^r magistrates wth sundry young men & yo^r marshall came speedily to Guilford accompanieing Rosseter & his sone, & countinancing them & theyr partie against the authority of this gener^{ll} court, though yow knowe how obnoxious they were formerly to this jurisdiction, for contempt of authority & seditious practises, & that they haue been the ring-leaders of this rent, & that Bray Rosseter the father hath been long & still is a man of a turbulent, restless, factious spirit, & whose designe yow haue cause to suspect to be to cause a warre between these two colonies, or to ruine Newhaven Colonie; yet him yow accompanied in opposition to this colonie, wthout sending or writeing before to our governor to be informed concerning the trueth in this matter. Sundry horses, as we are informed, accompanied them to Guilford, whither they came at vnseasonable houre, about tenn aclock in the night these short dayes, when yow might rationally thinke that all the people were gone to bed, & by shooting of sundry gunns, some of yo^{rs} or of theyr partie in Guilford, allarmed the towne, w^{ch} when the gouerno^r took notice of, & of the unsatisfieing answer giuen to such as inquired the reason of that disturbance, he suspected, & that not wthout cause, that hostile attempts were intended by theyr company, whereupon he sent a letter t^o Newhaven to informe the magistrates there concerning matters at Guilford, that many were affrighted, & he desired that the magistrates of Newhauen would p^resently come to theyr succour & as many of the troopers as could be gott, alleading for a reason his apprehension of theyr desperate resolutions. The gouerno^rs messenger also excited to haste, as apprehending danger & reporting to them that Brandford went up in armes hastening to theyr releife at Guilford, w^{ch} the gouerno^r required wth speed. Hereupon Newhauen was also allarmed that night by beating the drume, &c, to warne the towne militia to be readie, &c. This feare was not cause-

less, for what elce could bee gathered from the p^rperations of pistolls, bulletts, swords, &c, w^{ch} they brought wth them, & by the threatning speeches giuen out by some of them, as is attested by the depositions of some & subscriptions of others, w^{ch} we haue by vs to shew when need require; & yo^r two magistrates themselues, who ought to haue kept the kings peace amoung theyr owne partie & in their owne speeches, threatned our governo^r that if anything was done against those men, viz^t Rosseter & his partie, Conecticut would take it as done against themselues, for they was bound to p^rtect them; & they rose high in threatnings, yet they joyned ther- wth theyr desire of another conference wth Newhaven, prætending theyr purpose of graunting to vs what wee would desire, soe farr as they could, if wee would vnite wth them; but still they held our members from vs & vpheld them in theyr animosities against vs. Is this the way to vnion? & what cann yow graunte vs w^{ch} we haue not in our owne right wthin ourselves wthout you? Yea, it is the birthright of o^r posterity w^{ch} we may not barter awaye from them by treaties wth yow. It is our purchased inheritances, w^{ch} noe wise man would part wth upon a treatie to receiue in lieu thereof a lease of the same, upon yo^r tearmes who haue noe right thereunto. And why is our vnion wth yow by our comeing vnder yo^r pattent vrge now as necessary for peace? seeing wee haue enjoyed peace mutually while wee haue bin distinct colonies for aboute twenty years past. And why doe yow separte the things w^{ch} God hath joyned togeither, viz^t, righteousness & peace, seeing yow psist in yo^r vnrighteous dealing wth vs, & pswade vs to peace. It is true wee all came to New England for the same ends, & that we all agree in some maine things, but it doth not followe from thence wee ought therefore to vnite wth yow in the same iurisdic^ōn, for the same may be saide of all the vnited colonies, w^{ch} neuertheless are distinct collonies.

20. That vpon a more dilligent search of yo^r pattent, we finde that Newhaven colonie is not included wthin the line of yo^r pattent, for we suppose that yo^r bounds, according to the expression of yo^r pattent may be in a just gramaticall construction so cleared, as that this colonie, in euery parte of it, may be mathematically demonstrated to be exempted from it.

21. That the p^rmises being duely weighed, it will be yo^r wisdome & way to desist wholly & foreuer from endeauouring to draw vs unto an vnion vnder your pattent by any treatie for the future, & to applye yo^rselues to yo^r duety towards God, the king, & vs. 1st. Towards God, that yow feare him, & therefore repent of yo^r vnrighteous dealing wth vs, & reforme what yow haue done amiss, by restoreing our members wthout

delaye vnto vs againe, that yow may escape the wrath of God w^{ch} is reuealed from heaven against all vnrighteousness & against all that dishonour his holy name, especially amoung the heathen, w^{ch} yow haue done therby. 2. Toward the king, that yow hono^r him by lookeing at vs as a distinct colonie wthin ourselves, as yow see by the præmises his maj^{ty} doth, & by restorin[g] vs to our former intire state, & o^r members to vs in obedience to his maj^{ty} who hath comanded vs, as a distinct colonie, to serue him in weighty affaires, & wherein if yow hinder vs, (as yow will if yow still wthould our members from vs, as much as in yow lieth,) yow will incurr his maj^{ties} just & high displeasure, who hath not giuen yow in yo^r pattent the least appearance of a just ground for yo^r layeing any claime to vs. 3. Toward vs, your neighbours, your bretheren, yo^r confederates, by vertue wherof it is yo^r dutye to p^rserue vnto vs o^{ur} colonie state, power & priuiledges, against all others that would oppose vs therein or incroach vpon vs. Is Rosseter & his partie of such vallue wth yow that what this iurisdiction doth against them yo^r colonie will take it as done to themselves. But if it be said, as one of yo^r comittee is reported to express it, that yow must pforme yo^r pmise to them, as Joshua & eld^{rs} of Israell did to the Gibeonites, doe yow not see the sundry disparities between that vow & yo^{rs}? or doe yow indeed make conscience of yo^r vow to Gibeonites, if yo^r tearme them soe, & wthout regard to yo^r consciences break yo^r pmise & most sollemne confederation to Israelites? Doubtless it will not be safe for this colonie to joyne in one gouernm^t wth psons of such principles & practises, noe treatye will be able to bring vs to it. Wee beleiue that our righteous God, to whom wee haue sollemnly & publickly commended & committed our righteous cause, will ptect vs against all that shall any way wrong & oppress vs; neither will wee at all doubt the justice of his maj^{ties}, our king as well as yo^{rs}, & of his most hono^rble counsell, but that upon hearing the buisness opened before them they will effectually releiue vs against yo^r unjust encroachm^{ts}, as the matter shall require. Wee desire peace & loue between vs, & that we may for the future liue in love & peace together as distinct neighbour colonies, as wee did above twenty years together before yow receiued & miss-understood & soe abused yo^r pattent; & in hope that our uncomfortable & afflictive excersises by your encroachments vpon our rights would issue herein, we haue soe long borne what wee have suffred for peace sake, now it is high time that we bring these unbrotherly contests, wherewth yow have troubled vs, to a peaceable issue. In order thereunto, we doe offer yow this choise, either to returne our members vnto vs

uolluntarily, w^{ch} wilbe your hono^r & a confirmation of our mutuall love, or to remoue them to some other plantation w^{thin} yo^r owne bounds, & free vs wholly from them, for we may not beare it that such fœdifragous disorderly psons shall continue w^{thin} the townes belonging to this colonie, to disturb our peace, dispise our gouernm^t, & disquiett our members & disable us to obey the kings comands. But if they stay where they now are, wee shall take our time to pceed according to justice, especially wth Browne, for his contempt of the declaration, & therin of the kings comands & of the authority of this iurisdiccon, & wth Bray Rosseter & his sonne for all theyr seditious practices.

Lastly for p^rvencon of any misap^rhencon, we crave leave to explaine o^r meaning in any passages in this writing, w^{ch} may seeme to reflect censure of vnrighteous dealing wth vs, vpon yo^r colony or generall assembly, that we meane only such as haue bin active instrum^{ts} therein.

New Haven, From the co^mittee, by order of the
March 9th, 1663. Gen^l Court of Newhaven Colony,
James Bishop, *Secretary*.]

[Misc. i. 81, in the handwriting of John Allyn.]

[In these papers is the copy of the answ. of the N. Hauen Case Stated, & New Hauen Plea, March 1663.]

Honoured Gent^{le} & Neighbours,

We haue according to o^r promise in o^r last to you (sent by your messengers,) considered what you sent to us, & by way of answ: wee return as followeth,

You are pleased to tearme o^r claymes & o^r claymeing o^r interest, an unjust pretence & incroachment upon your just & proper rights, to unty this knot & pretence of yours in all the perticulers of it states the whole case you have presented in your large scedule & multiloquous penings, therefore as methodically as we can, & curt, as the litle time we haue allowed & o^r other weighty concernments will permit, in few words we haue adrest o^rselues for resolution & your conuiction.

It is not a pretence, but a reality that we doe & haue acted upon, we are a delegated power & act under a superior head, yours & o^r if we both know o^r standing, upon whose interest we doe & must act, & o^r acting soe shewes o^r loyalty to o^r souerigne & is noe way dissonant to a religious rule, & therefore o^r consciences not to be charged wth delinquency therein, (we forbear to gird, though we haue your copy for it before us,) & if wth a single, not self willed eye, you be pleased to p^ruse & weigh what we haue allready premised, the next perticuler in order is resolved, we will set to it a seale, a broad seale, which we doubt not will confirme the justice of all o^r actings towards your selues, if o^r great forbearance proue not prejudiciall to us, we being trustees

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in charge; and then if what we clayme be just & really just, what you assume to yourselues belongs to us, what you haue asperst us w^hall apply it to yourselues; if you can disproue what we haue rightly affirmed, then you must countermand o^r allegation w^h as eminent a delegation & sealed w^h as broade a seale allso, yet then it would not be so eminently euident, but doubtfull & admitt a tryall, because the plea of priority would be o^r & not yours, & you well know that is a good plea in the law.

As for your consultations w^h freinds in England, intentions & ends propounded to your selues, wee see no more argument of force in such precedaneous discourses then in a dreame of rich reuenues to an awakeing poore man; of the same nature it is to be one joyneing in the purchase of y^e Massachusets pattent & a pattentee, because the priuiledges thereof extend not beyound the limits of y^e same, for o^r purchaseing of one peice of land gives us no right to o^r neighbours feild, & it is a difficult undertakeing to mayntayne your Indian purchase from y^e right owner thereof, or to plead a better right then Conecticut who had y^e right of conquest, & as added to conquest a deed of gift from the great sachem Sowheage, & under both those rights possessing, & by the court of Conecticut alloweing you a plantation right in that place, & then calling whom there agent that possest the same, we may well question the foundation of your gouernment, unless you can finde & shew a Conecticut court record alloweing the same.

And as for Stanfords being adjoyned to N. Hauen gouernment by consent of Conecticut, there is no record extant that we can finde, but provided it be true as you say, they are but words of course, as the case now stands, because the conclusion followes not upon the premises, but rather all your many instances are but so many florishes as blinding mists, to darken the truth as now it is.

Your high prizing of M^r. Eaton that worthy man deceased, whoe we owne was wise, graue & godly, & we could allso say that we haue had gouernours not much inferiour whoe now w^h him lye in the dust, but such applauses litle promote o^r state concernments in this present contest, wherfore we shall pass them ouer as not so pertinent.

But you say from the first you mainteined your Quiliage agaynst the clayme of the Dutch, by hewing out y^e Kings Armes in wood & aduanceing them, (marble & brass are the more lasting,) but we of Conecticut mayntayne o^r rights & clayme now, by the kings armes in waxe, which is a confirming seale to his royall pleasure in expresse words & directions for o^r settlement for euer hereafter.

You say all New England consented that N. Hauen should be & were a distinct gouernment, except Road Island. It is likely that is a mistake, for Pascataway was then a gouernment & Augamenticus, & seuerall other planted places more eastward, whose consent & approbation was neuer sought for as we suppose, but if it were as is sayd, there is no danger to yeild to it or argument in it to aduantage.

The mayne argument as followes is the combination & solemne confederation, unto which we answer,

1. The combination did not constitute a gouernment w^h power & priuiledges, onely amicable compliyanse & mutuall helpfulness in



comon concernments, as bordering freinds & neighbours in a distracted wilderness.

2. The causall inducement of the combination was a former exigence felt (as in the Pequet warre,) & for future feared, as uis unita fortior, to deter a comon enemy from future attempts in like kinde, & to promote mutuall wellfare.

3. As a uow is disanuld by the contradiction of a superior, so where the word of a king is there is power, & we haueing the word of a king wth a religious loyalty we are to obserue it when we may doe soe, w^{thout} sin in doeing soe.

4. It is o^r duty (when w^{thout} sin we may soe doe it) to obey o^r king in his lawfull comands, when euery year we take o^r solemne oathes exactly to atend all his & o^r lawfull appoyntments.

These perticuler arguments allso answer the comon title of the fower united colonyes, for by the combination cam in that union.

And for the title of a Colony, it is not a title of honour properly, neither doth it imply gouernment; the bases of o^r gouernment is not that empty title, but as subjects of his royall majesty by his abundant grace we are created and made a body politique & corporate wth power & priuiledges, & the extent of o^r corporation ordered to be all that part of his majesties dominions in N. E., bounded as o^r charter expresseth, & intrusting us wth y^e care of all the plantations therein & the gouernment of all the people thereof; & because it is a duty incumbant on us to be faythfull to o^r trust, we doe declare & clayme (not wth a flourish of empty words) as under o^r gouernment, all those plantations which you possess & haue formerly gouerned as peculiarly belonging to o^r corporation, requireing your subjection to o^r order & lawes in obseruance to the order & appoyntment of o^r royall soueraigne & yours.

Then you improue as another argument that M^r. Grexson intended to procure a pattent, & was employed therein by your selues, wth the consent of Conecticut, for the procureing of power & priuiledges, for both are implied by your mention of a pattent, thoe therebe no inforceing argument for what you intend it in these presents, yet we must take notice of what may appeare as contradiction & o^r aduantage, for this endeauour succeded the combination, & therefore it was then the conclusion both of your selues & us (as you say) that o^r combination was not sufficient, pattent right was requisit, yet peruseing the preface to the combination, we question the truth of it, it being neyther upon record & that preface in playne & full words expressing that by reason of sad distractions in England by which we were hindred both from seeking & reaping the comfortable fruits of protection, &c, which is the great priuilegd conferred by letters pattents, & if then patent right was requisite, now wee haue obteyned it & you are included wthin it, wherefore ready submission would better become you then bold insultings & charges, we pass perticulers breifly, knoweing that a word to y^e wise is sufficient.

You say Conecticut sought a patent w^{thout} your consent, when you had formerly taken in there consent to M^r. Grexsons intencion as before, we say as before we haue sayd, we can finde no record witnessing the

same, but to take off your causless offence herein, we doubt not but you well know that we payd hundreds of pounds to M^r. Fenwick & his agents for patent rights seuerall years together, & we will now informe you we had a full promise & ingagement for the sending & deliuering into o^r possession that pattent which we had payd so dear for, the date of the graunt of which pattent did p^rcede y^r combination or your knowledg of a place called Quilipiage in New England, & this patent which now we haue is but that which formerly we should haue had, wth some smale addition & inconsiderable alteration, & neyther that addition or alteration reflecting upon your selues in any measure. O^r owning of you in a tacit way we doubt not but will be judged a fauoure in the true sence of such as haue eyes to see & hearts to understand.

As for your letter from y^r Lth of y^r Councill, persons whome we highly honour as your selues doe, yet we suppose it was sent in the time of the great distractions in England, when the king was separte from his parliment, but now we haue receiued lett^r p^rattents confirmed by broad seal & writt of priuy seale, king, counsell & parlement all consenting, & not onely owneing of, but establishing us wth corporation power & priuiledges, upon which we may act more boldly then on a presumption only, & are bound to act soe, & that under oath & by royall appoyntment.

Your affirming Conecticut had no patent but wthin these two years last past we haue fully answered it before, a patent formally confirmed & possessed we had not till of late, thoe we had payd a considerable sune & had the same firmly ingaged, had we had it before, we should haue acted upon it as now we doe, & probably more uigorously.

Greenwich settled by the comissioners, was in the time of ignorance, which doth not alienate a true proper right for euer.

As for that freinds warning lett^r to o^r hono^rd gou^r, &c, we know not what they were, but it is attested that your then gou^r desired o^r hono^rd gou^r to include N. H. wthin o^r charter, & by a lett^r & improueing his interest in some freinds he further endeaououred the same.

You affirme, if N. H. were wthin the pattent they should haue bene warned to the first gen^l assembly, for we could not constitute a generall assembly wthout them; this is hardly worth an answer, but to preuent a cauill, the power & priuiledg was not conferrd on N. H. but on Conecticut, & this evidently appears, because the fauour extended is unto those that formerly had purchased, conquered, & now petitioned, & we should haue acted imprudently, disorderly & justly offensive to o^r associates so to haue done, before we had discouered his majesties fauour towards them in his gracious grant, & preferring others less obliged.

The nex perticuler presented is the rent & disturbance thereby to your gouern^t & orderly constitution (as you say,) by o^r admission of some of your members under o^r protection. Those of your members (as you terme them) clearly perceiueing themselues included, & aduisedly considering there duty for willing & ready obseruance of his majesties pleasure & appoyntment, & for obedience unto o^r corporation power as ready subjects to both, owning us as we are truly delegated, we could

not wthout some danger but accept of them, confirming security & protection, & doe conclude the like ready obedience from your selues would haue bene more regular & comfortable to your selues at last, the euent will discouer.

Now to giue you a short answ: to o' hon^d gouernors lett^r to Major Mason, which as yet neuer came to o' honour^d Major or o' hands, if it be wth you, you had done well if you had sent it us.

2. As for his engagement, it was after we had reced your members (as you terme them) & it evidently appears the complaynt being upon that acco^t.

3. We had then reced o' lett^r patents, & acted according to o' instructions & directions in them from his majestie, o' true loyalty to his gracious appoyntments & o' proceedings therein his majesty hath determined & warranted pleadable in law agaynst himselfe & his successors, & soe we stand free.

But in respect of y^e honour of o' worpⁿ gou^r, as we are able we shall answ:

1. O' gouernour knew the extent of the patent, the desire of your then gou^r, as by letter & perswassion of freinds appears, & therefore in the order of the patent acted innocently & blamlessly, expressing his great curtesy & tender respect towards you, & this bluster of yours is a uery ungratefull return for all his loue, fauoure, & tenderness.

2. Your selues could not but be well acquainted wth what we expressed, before you sent into England unto o' honoured gouernour by way of complaynt, for you had receiued a copy of the patent by o' first committee sent from Conecticut unto you.

3. You know that the absolute power was now in the hands of the corporation of Conecticut to doe according to the tenour thereof, & not in o' gouernours power to alter y^e same.

4. O' hono^d gouernour receiueing your complaynt (and from a tender affection & fauour towards yourselues) endeauoured to doe his utmost to promote your desires, & what a rewarde he hath for his labour of loue from you, the world may judg.

5. Lastly, this cannot aduantage your cause nor be an euidence in your plea, for he passeth no engageing promise to you therein, but as a freind perswading those whome it altogether concerns to doe what possibly & fayrly may be done, wth the highest ingageing expressions aduenturing as far as may be to doe you a kindness, which you should haue accepted if you had known your selues.

For y^e comissioners last act in relation to those o' concernem^t, there caution introduced in relation to the Dutch, is a wary answ:, Saueing o' alegiance to his majestie & interest by patent, which you may accept of as o' present answer to your alegation, for there is a stronger argument in it then yours alledged.

And for your mathematicall measures & discouery, it might doe us some service in y^e line betwixt us & the Massachusetts, if you haue an able artist, when he is desired by them & us to attend that seruice, but o' charter is the true astroglabe for o' south bownds.

Gent^l, These shadowes being flush and fled, in the next place we

shall make some short returne to your sharpe reprofes, & answ: your arguments breifly.

O^r returne to y^r naratiue giues you a full answ: to all your arguments, yet to silence cauills full of empty adored conceipts, to each argument we shall take y^r paynes to giue a short answ. only premising to preuent tartalogy.

1. Your selues haue proclaymed o^r king, owned him your souraigne & your selues his subjects & y^r places you possess part of his majesties dominions abroad, & in your p^sent writing declareing that you intend (if not allready attempted) to improue means for obteyning a patent.

2. You well know a king in his owne dominions is by all men tearmed pater patriæ, & in scripture record he is sd to be a nursing fath^r; & then all his subjects or his children bound to obey. Eccles. 8, 2. 1 Pet. 2, 13, 14.

1 Arg^t: That Conecticut in entertayning some inhabitants of Stanford, Guilford & South Hold, they did it by a pretended power agaynst the just right of N. Hauen Colony & w^hout there knowledg & consent.

This assumption is false, both in the p^tended power mentioned & the just right as you apply it, for, 1. O^r power is reall, not pretended, it is formally legall, as by o^r letters patents doth undeniably appeare, being ratified by broad seale. 2. For your just right, that appears to be your pretence & p^sumption only, & it cannot be mayntayned unless you can shew a deed of gift sealed as o^r & precedent allso, & 3dly, Whereas you say what we did was w^hout your knowledg & consent, we answ: 1. Your consent was not absolutely requisite, the places possest by them being w^hin o^r charter limits & the gouernment of the people comitted to o^r care, & they claymeing it as there priuiledge & o^r selues clearly perceiuing it to be soe could not deny them w^hout unfaythfullnes in o^r trust.

Hence your prolix discourses, (by way of explication of this argument,) respecting the 5th & 8th comandment, reflect upon your selues as the transgressors, w^hstanding your ready obedience to y^r order & appoyntment of your noursing father, & attempting to intrude, & actually disturbing of us in o^r just rights. As for your purchase of the Indians, it is verry questionable whether you purchased of y^r right owners, but if you did, as your selues say, yet you purchased but land of them & not jurisdiction power, about which is o^r only contest.

2 Arg^t: Conecticut haue assumed to themselues power of jurisdiction ouer part of o^r members w^hout just right thereunto.

This assumption is altogether fals, for, 1. We assumed not this power to o^r selues, o^r letters patents are o^r witness, which declare that his royall majesty, of his abundant grace, certayn knowledg & meer motion, hath created & made us a body politick & corporate, to exercise o^r gouernment ouer all, your selues not excepted, which is sufficient to discouer o^r just right beyond exception, & to cauill agaynst it is only to bid battell to a shadowe.

As for your mathematicall demonstration, we judg it not worthy to be weighed in the ballance of reason, it is soe unreasonable. 1. If we exceed o^r lyne & limits it is a trespass agaynst the king, when his

attourney generall appears, then we will plead o' pattent, for his royall majesty of his abundant grace hath made it pleadable agaynst himselfe & for y^e best behoofe of y^e gouvernour & company. 2. If you had a pattent & there were to be a lyne settled for peace betwixt us we should readily atend you therein, but we canot understand that his majesty hath yet giuen you distinct from us a mathematicall lyne.

3 Arg^t: Conecticut haue acted contrary to promise & confederation.

Ans^r: In nonage the contradiction of a superior makes uoyd, a father disannulls the childes act, that is powerless, for the dispose or gift of gouernment is onely the gift of y^e nursing father w^hin his owne territories & dominions, if otherwise, it was blameable folly to be at such large expence to procure a pattent, when the comissionⁿ might haue graunted it for an inconsiderable sume, & it will be y^e like folly in yourselues, especially being minded & forewarned of it; the true question here is whether his majesties appoyntment or y^e comissioners is of most force & valid.

4 Arg^t: Conecticut haue done contrary to y^e generall rule of loue & righteousnes.

Ans. 1. In euery arg^t: we find the question begd. 2. Hence y^e assumption is false, but 3dly, to appoligize for o' loue & righteousnes, 1, for loue, by your then cheife in gouernment o' gouvernour was sollicitied to include N. H. w^hin o' pattent, both by speech & letter,* & freinds in England were improped by some of you to perswade to & promote the same, & according to your desires attended the best expedient to express sincerity of loue, your case & condition at that time duely considered, & since by o' many louing insinuations, solicitings & loueing treatys, both for your owne good & ours, & large offers of imunities & libertyes as great as o' owne, & as farr as we could possibly extend according to o' charter, what could we haue done more. 2. For righteousnes, y^e extremity of justice we haue not used, but y^e moderation of justice; we might haue imediatly declared you under o' gouernment, required your subjection, upon refusall severely censured & have justified what we had done, yet we have vsed much patience, forbearance, wayting, & expence of much time & charges, if possibly we might haue gayned yow w^hout much extremity, & we doubt not but vnderstanding judges will interpret it an extreme condescendency & chargable labo^r of love; besides for righteousnes, yow were included in o' former patent graunt, which was before y^e being o' your planta-

* Hubbard, Hist. of N. E. 811, says that New Haven was comprised within the charter limits "according to the desire of Connecticut and the honourable William Leet, Esq., then governour of New Haven, as by his letter to governour Winthrop, then going for England, may appear."

The Council of Connecticut, also, June 16th, 1675, when were present Dep. Gov. Leete, James Bishop, Capt. John Nash, and Major Robert Treat, in their reply to a letter from Sir Edmond Andross, declare that, "Concerning those parts about New Haven, it is sufficiently knowne that their conjunction with this Colony was desired by the cheife amongst them, which being moved at the very first happy restauration of his Mat^e, it was so comprehended." Trumb. Col. Rec. Conn. ii. 578.

Mather, Mag. i. 78 (ed. 1820,) makes a similar statement.

tion, and at chargeable purchase to o'selves, & this o' patent expresses it a valuable consideration of o' p'sent confirmatiō, & now haveing soe fully exp'ssed o'selves & informed yo'selves, we can appeale to al y' Christian world for judges.

5th Arg^{mt}: If y' generall assembly vpon y' receipt of y' patent agreed to treat wth N. Haven about vnion, & in y' interim accept of some of y' members w^{thout} y' concent, they dealt vnrighteously, but soe Connecticut did.

Answ: This arg^{mt} looks like a chaos, there is soe much jumble in it; it is hypotheticall wth a sequel in y' first proposition, wth is to be denied as a non sequitur, for both may be w^{thout} any vnrighteousnes, for it is y' king that hath vnited you & vs; to have refused y' ready submission of any, had beene vnrighteousnes towards y' persons tending y' obedience, & a negligent retarding of y' kings appointment; the vote for a treaty for vnion onely respected y' modus, for a more placite entertainment of wth in duty & loyalty was to be attended. If authority entertains one y' voluntarily offers himselfe, perswades another, comands a third, he sins in neither, nor though he had determined to treat wth y^m together before y', & truly y' greatest danger of dismembring, & loosing a ear, is in refusing submission to his majestys lawfull appoyntm^t.

Arg^{mt} 6th: Connecticut pleades a power over N. Haven by virtue of a patent, & it gives them noe such power, whereby they abuse y' patent & deale vnrighteously.

Answ: This answered before, & it is too favorable to say it is like two sentences to one sense, rather six sentences & noe sense, like men spoken of in y' prophet, that have eyes & sees not, hartes & vnderstand not.

To y' remaining argum^t we say, & sufficient is sayd to mayntayne it, 1, that o' entertaym^t of those members was righteous, o' promise of protectiō lawfull, therefore y' we may avoyd vnrighteousnes, & it performe we must; 2, their submission was righteous & comendable, we dare not call good evill; 3. then if Joshua tooke himselfe bound to keep promise wth y' Gibeonites who acted wilily, & were of y' people wth were appoynted to destructiō, much more must we, when people of o' owne language, nation, profession, & freinds, are appointed and ordered vnder o' care & protection, keep o' promise wth y^m, allowing y^m an interest in al o' priviledges wth are comon to y^m as wel as o' selves.]

[These petitions appear to have been presented to the General Assembly of Connecticut in March and May.

[Misc. i. doc. 82.]

For the Hon^d Generall Assembly,
Hon^{rs} Gentlemen,

I haue twice p'sented my humble request to the consideration of your impowred councell, I allso haue done the same to the hon^d Assembly in the first place & beginning of this p'sent court, & as yet can obteyne noe fully satisfying resolution; my state & p'sent condition is

well knowne vnto you ; if tenne dayes hence be your resolute, to a man perishing in a famine it would proue a languishing returne, & in the eighth day you may pbably inuite to a funerall: If the wrong I susteyne may not admitt of a p'sent reparation, yet for my expences in my city of refuge, making my escape to neighbours & freinds; or full order to place what is expended moderately, vnto your accounts, & treasurers cognizance, to p'uent affliction added to affliction, it would be some small ease to a distressed mind, & giue occasion in some degree to speake well of you: Thoe my reall expectation is for a full, & an effectuall, & allowance to the inioym' of the full benefitt of the law, w^{ch} is noe other then the gracious appoyntm' of our Royall Soueraigne, & o' iust right, to p'uent complaynts as much as may be will certaynly be a common good & aduantage, & soe at p'sent I rest,

Hartford,

Yrs to serue & obserue,

March 19, 1664.

Bray Rosseter.

[Misc. i. doc. 83.]

Right worshipfull & much honored Gentelmen,

Such is our deplorable condition, y^e wee are enforced euen once more to be troublesom to you, in renewing our formor sollicitous requests to youre selves, y^e y^a would improufe y^e interest God hath betruisted y^a with, for the healeing of our breaches & the restoring of us to y^e measure of peace & liberty, y^e wee may serue God in the duties both of our generall & perteculer calling, without those uncomfortable distractions & incomberances y^e dayly we ly opressed under. You are not unaquainted wth our unsetled state & the sad consequences thereof allredy past; wee haue cause more then a letle to suspect y^e yet further assaults will be made vpon us to our great disturbanc, we being informed y^e y^e will haue another spell at us (to use there one words) to put in execution there late declaration, & that y^a will speedely take another course with us, & the like.

Gentlemen, if y^e haue no power to ptect us from the iniury of others, why did you admit us under the shadow of youre winges? & ingage to be reall in ptecting & defending our persons & estates? if y^a haue power why are not such sollem couenants fullfild? why is it we are in danger to be surprised & damnified euery day?

Giue us leaufe to expostulate the case with you, & y^e humbly, (as becoms children speaking to there parence,) are y^a not sworne to p'serue the charter writes & p'ueleges? haue wee not under youre one hand & seale y^e you will to your utmost secure us from danger? doth not consience plead with you to be tru to youre couenant & oth? are you not, yea douteles you are, men feareing God & y^e dare not knowingly transgres his righteous lawes; should not iustis & iudgment run downe our streetes like a mighty streame, was not Gods rath dredfull against all Ezerall, & especially Sals house therein, for breach of couenant wth uery slaues who were before apoynted to destruction? did not Josua, the instrumentall sauour of Ezerall & a tipe of our greate Sauour, p'sently march forth to the sucker eaid & releife of Gibon? Josua 10, 6, 7, and y^e because of the couenant made with them. Cap. 9, 15.

Gentelmen, if we proufe ouerbould with yⁿ, impute it to the extremety of our condition & y^r neseditous exsegency of our case; we had good hopes when som of our honored magistrats were eye witnesses of y^r eminent dangers we where exposed to this last winter, wee should haue had some effectuall & speedy redresse; but our times & all our changes are in Gods hand, who disposes of all thinges according to the counsell of his one will, & it becoms us to weate his leasure for the gaineing of any mercy wee need or desire from him. Yet we iudge our selues bound in conscience to use all lawfull meanes y^t we may liue as Christians, & sit under our one uine & fig tree with peace & safety; we therefore beg of yⁿ to conseder our p'sent streats & difficulties, & let us haue some answer of peace from yⁿ, lest ouer beareing discouragements seize vpon our sperits for y^r want thereof.

Your redines to sucker us in our p'sent distres, will greatly oblige us to yⁿ, & incorage us euer to pray for your peace & prosperity. In hopes of which we rest, Gentelmen, youre humly deuoted seruants,

Guilford, March 29, 1664. Thomas Clarke, John Steuens,
Thomas Steuens, John Bishopp,
Thomas Cruttenden, John Graue,
Thomas Smith, John Hill,
William Steeuens, John Sheather,
Abraham Crittenden, George Chatfeild,
George Hyland, Isaac Cruttendon,
Dennis Crampton, Hennry Crane,
John Meiges.

[Misc. l. doc. 84.]

For this Hon^d Assembly,

It is well knowne that I haue often appeared & made my application to the hon^d councill & seuerall assembles at least tenn times, & haue importuned for some redress of those vnsufferable iniuries & pressuures, the loade & burden vnder which I lye bowed downe, notwthstanding I haue giuen in my reasons that haue bene conuincing to yourselves, strength of reason as you ar men, rules of religion as you ar Christians, yet haue not receiued an answer neyther according to reason, nor religion, neyther in part, much less in the whole. Shall I say as the wounded man, the leuite passeth by, & the publick parent & haue noe pittty; shall a Samaritane exceed in religious charity: yet my request hath bene soe rationall & religious, that a man amongst you cannot object agaynst it, w^h I haue reduced to two heads, as first that yourselves would make good your saythfull pmises & most solemne ingagem^t, w^h the rules of honesty binds you vnto, & secondly that I might haue the benefitt of the law to psecute my aduersaries according to rules of iustice, that yet at length iustice might runne downe your streetes & God delight to bless yow: & that meere affection might noe longer interpose & exasperate complaynts vpon such accounts, & now more espetially I suppose is the season, N. Hauen Champion, (in whome they haue soe much confided, & yourselves soe much feared,) being now disclosed & foyled, & his confederates pably little less guilty, vpon a due & thorough examination; the causes of my

suffrings being well knowne, for his Ma^{ties} interest & appoyntm^t, & therein my ready subiection, with the rest adioyned, w^{ch} being duely attended will ingage vs to continue our willing obedience & pray for yow.

Brayan Rosseter.]

Hartford, May 20th, 1664.

[376] AT A GEN^{ll} COURT HELD AT NEWHAVEN FOR THE JURIS-
DICTIÖN, THE 3^d OF MAY, 1664.

P^rSENT,

Deputies.

The Governor,
The Deputy Govern^r,

L. John Nash, } Newhaven.
James Bishop, }

Mr. W^m Jones, }
Mr. Rob^t Treat, } *Magis-*
Mr. Jasper Crane, } *trates.*

Rich: Baldwin, Milford.

The Govern^r acquainted the court that he haveing sent a letter to the councell of the Massachusetts, (by desire of this councell here,) & had now received an answer, both which letters was read to the court.* In the first was two things

Governor Leete to the Council of Massachusetts.

Hon^{ed} Gent:

Although we gaue a former acco^t: of y^e sad buisnes respecting Capt: Scot, by P^res to Maior Gen^{ll} Leveret, who (we conceiued) did best know him: his interest in Eng: and seruice to this cuntry there, &c., with desire of him to communicate the whole vnto yo^rselues, & to seek yo^r advice & help therein. Yet (the extremity of hazards to him & the cuntry growing on so fast by some transactions of a cloudy aspect, as you may see by Capt: Scots pap^s, w^{ch} this bearer his servant will p^rsent you withall, and by word of mouth, relate.) Wee think it a duty incumbent on vs, againe to sollicite you as confederates of a speciall interest in the weale publike & peace of the cuntry, in w^{ch} behalfe & in behalfe of o^rselues, who are also so stricke at in the busines, entreating you to lay the matter to heart, & doe yo^r vtmost for p^ruentiu^s of Capt. Scots ruine, & the hurt y^t may come thereby to the cuntry, he being reputed his Ma^{ties} seruant, & vpon seruice now by letter to the 4 Vnited Col[:], when thus obstructed, & it (possibly) vtterly frustrate if he bee despoiled, & if then the matter & maner now, doe come to bee narrated, as it is likely to bee, none apearig to p^rvent it, all may be damnified; wee therefore, (as also y^t Capt. Scot may haue an opportunity to speake w^{ch} he can in reference to matters betwixt Connectacut & this Colony w^{ch} he thinkes will put an end to the vnhappy difference depending) doe thus moue; and surely if euer advice & succour were needfull to confederates, it is now. But to p^rscribe the way is difficult. Our thoughts & desires are that by yo^r & Plymouths advice & agreem^t, the com^{ms} be called to Hartford, to see & approue what is done & how, in a matter so much respecting his Ma^{ties} & the cuntry in gen^{ll} by the consequents of it. And further to consid^r of some expedient for peace betwixt y^e Vnited Col[:], be^{fo}re greater troubles and dangers doe fall out. Mr. Scots tryal is said to be on the 8th of May next, if he be not dead before as was like to haue beene y^e other day by poison, (as he concei So that whatsoever meeting you shall accord of must be before

especially intimated, first concerneing Capt' Scotts case now at Coñecticut, & 2, concerneing the differance betwixt Coñecticut & us. In their answe^r is specially signified their sending

y^e day. It is vaine for vs to appear if you come not, but vpon notice wee are ready to attend, or to ioyn wth yo^r com^{ms}: & Plymouth to protest & clear ourselues in case they will not forbear or transmit his tryall to be elsewhere before psons free from exception & charge of priudice by him, as he ppounds, & is by vs signified in o^r former lett^r to Maio^r Gen^l Leveret. We beseech you to dispatch word to Plymouth forthwith, for their advice or concurrence. The maine of the matter seemes to lye in the expeditio, w^{ch} we hope you wilbe sensible of accordingly. That the Lord would therefore appear in the Mount Difficulty & wthhold euery arme stretched forth vnto any fata[!] blow that may bring hurt vnto Gods people & their concerns is the daily prayer of,

Gent:

Guilford, Apr: 22,
1664.

Yo^r expectant freind & serv^t.

Willm Leete.

By desire of y^e Council of
Newhauen Col.

From the original, on file in the Secretary's Office, Boston.

Capt. John Scott having promised to use his best skill and industry to bring all the plantations upon Long Island under the government of Connecticut, especially the western end, which was under the Dutch, had been appointed, December 14, 1663, commissioner for Ashford, with magistratical power throughout the Island, and had an oath for the faithful discharge of his place administered to him by the governor. In order to effect what he had promised, he was commissioned with Mr. Willys, Capt. Talcott, Mr. Richards, and Capt. John Young, or any three of them, to go to Long Island and settle the government there. Having acted contrary to his oath and the trust reposed in him by Connecticut, the general assembly issued a proclamation charging him with various high crimes and misdemeanors, and sent a party to arrest him. New Haven, who had declared that he had been in England a good friend to that Colony, and to some of its principal persons, sent men to assist him, but he was taken and brought to Hartford, where he was tried, May 18th-24th, and found guilty of the several crimes laid to his charge, fined, deposed from his office, and disfranchised. Trumb. Col. Rec. i. 420, ii. 16. Conn. Council Jour. Rec. Co. Court, iii. Towns & Lands, i. See also O'Callaghan, N. Netherlands, ii. 497, 552.

Upon the receipt of Gov. Leete's letter, the Council of Massachusetts wrote, April 27, 1664, to the governor of Connecticut, and sent Maj. Gen. John Leverett and Capt. William Davis, and Plymouth, April 29, Capt. Thomas Southworth and Capt. William Bradford, as commissioners to treat with Connecticut about Capt. Scott, and about the differences between Connecticut and New Haven. With respect to the latter subject, the messengers proposed to refer matters to the determination of some friends in New England, mutually to be chosen. Conn. Rec. T. & Lands, i. 33-34. Misc. i. 86.

The General Court of Massachusetts, May, 1664, "considering the vnicomfortable differences betweene our confederates of the two jurisdictions of Coñecticott & Newhauen," appointed Mr. Willoughby, Capt. Gookin, Maj. Gen. Leverett, and Capt. Edward Johnson, a committee to draw up letters to each colony, "wherein maybe expressed such arguments as may be fitt to persuade them to unity & agreement, which hitherto they haue seemed to decline, though once & againe mooued therevnto by the comisioners of the Vnited Colonjes, as their records declares, and that, in case they shall not make accord betweene themselves before the next meeting of the comisioners of the Vnited Colonjes at Hartford, then that this court doe order their comisioners to declare that such diuisions & refusall of submission vnto the orderly advice of

of two messengers with instructions to treat^e wth the governor & councell of Coⁿecticut, & that they had sent to Plimouth to desire their helpe alsoe in the case, &c. Now therefore the governor ppounded, whether it be not necessary that we alsoe send two wth instructions to joine wth them. After debate it was thought y^t we could doe noe less, haveing been first movers in it, & soe, by vote, Mr. W^m Jones & Mr. Rob^t Treat^e were appointed.

It was ppounded about a day of humiliation, and the court taking into serious consideration y^e afflicted state of y^e people of God in o^r native countrey & other where, our owne p^rsent distractions, wth other publike concernem^{ts}, the p^rsent drought, the sad & uncomfortable state of y^e church at Milford, & the wormes beginning againe in some places to spoyle y^e fruit of y^e trees, ordered, that y^e 4th day of y^e next weeke (being the 11th of this instant) be set apart through this colony for a day of extraordinary seeking of God by fasting & prayer.

The Court considering the necessity of defraying jurisdiction charges already expended, did now order that a halfe penny rate be payd from the severall plantations & pprietor^s of Paugasset in this p^rsent moneth, unto y^e jurisdiction treasurer at N. Haven, in such pay & at such prizes as y^e last yeare.

[377] AT A COURT OF MAGISTRATES HELD AT NEWHAVEN
THE 23th OF MAY, 1664.

P^rsent, the Governo^r, Deputy Governo^r, Mr. Jones, Mr. Feñ, Mr. Treat & Mr. Crane.

George Adams, of Branford, appeared to make psecution of his attachm^t y^t he had layd upon a horse of Mr. John Jefferds, of Ling, in y^e Massachusetts. But after a great & large debate about it, whether y^e s^d Jefferd had any legall notice for his appearance, the case was left upon the former order in October last by y^e court of magistrates.

the comissioners, according to the articles of confederation, is a violation of the confederation if persisted in, & that they joyne wth the rest of the comissioners of the colonies in declaring the same." *Mass. Rec. iv. pt. ii. 102.*

Grace Tod, haveing told some boyes & girles about an Indian that shewed some abusive & filthy carriages towards her at Mr. Fields, was now called to know y^e truth of it; shee spake as if he pulled up her coates &, as her words imported, some abuse of her. The Indian being examined confest a takeing hold of her coates, but as he sd in a way of play; but y^e court findeing the Indian of a very ill report, & y^t he is run away from his owne countrey for his filthines there, as some Indians affirmed, therefore they sentenced him to be severely whipt forthwith, & that he be taken away to his owne countrey & not to returne againe at his perill.

Alsoe that y^e sd Grace Tod be whipt for her concealing of it from her master & mistress, & yet afterwards speakes of it to boyes & girles in a jesting way.

There were some y^t desired to begin a small troope, y^t p^rsented y^mselves to y^e co^rt & desired to know w^t priviledg for their encouragem^t they should have. The co^rt told y^m that if they was fast to it to attend y^e countrey, the gen^l court would consider of it & order something about it for their encouragement.

[The remainder of this page, and the next page, is blank.]

[379] ATT A COURT OF ELECTIONS, HELD AT NEWHAVEN FOR
THE JURISDIC^{ION}, THE 25th OF MAY, 1664.

Mr. W^m Leet chosen Governo^r.

Mr. W^m Jones chosen Deputy Governo^r.

Mr. Mathew Gilbert chosen Magestrate for N. Haven.

Mr. Benjamin Feñ chosen Magestrate for Milford.

Mr. Jasper Crane chosen Magestrate for Branford.

These all were chosen for y^e yeare ensueing and tooke oath.

Mr. Rob^t Treat & Capt['] Jn^o Nash chosen Magestrates, but would not accept of it.

The Governo^r & Deputy Governo^r chosen Commission^{rs},
& Mr. Feñ the third man.

James Bishop chosen Secretary,	} All for the yeare ensueing.
Roger Alling chosen Treasurer,	
Abrahā Dowlittle chosen Marshall,	

ATT A GEN^l COURT HELD AT NEWHAVEN FOR THE JURISDIC^ōON,
THE 25th OF MAY, 1664.

P^rSENT,

Deputies.

The Govern^r,
& Deputy Govern^r.

L^t. Tho: Munson, } for N. Haven.
Jn^o Mosse,

Magestrates.

Mr. Mathew Gilbert,
Mr. Benjamin Fenn,
Mr. Jasper Crane.

Tho: Welch,
Deacon Geo: Clark, } for Milford.

Jn^o Fowler,
Georg Bartlet, } for Guilford.

Rich: Lawe, } for Stamford.
Fran: Bell,

Sam^l Swayne, } for Branford.
Laurence Ward,

The Deputies p^resented their certificates, whereby it apeare^d
y^t they were all chosen for y^e yeare ensuing, onely Stamford
for the p^resent session, & were accepted.

[Pages 380 and 381 were left blank for the recording of the business of this court.
"The orders of the gen^l court in May last were read to the towne" of New Haven,
June 27th, 1664. Town Rec. iii. 42.]

[382] ATT A GEN^l COURT HELD ATT NEWHAVEN FOR THE
JURISDIC^ōON, THE 11th OF AUGUST, 1664.

P^rSENT,

Deputies.

The Govern^r, &
Deputy Govern^r,

Thomas Munson,
John Mosse.

Mr. Gilbert, }
Mr. Fenn, } *Magestrates.*
Mr. Crane, }

Tho: Welch,
Georg Clark.

John Fowler,
Georg Bartlet.

Sam^l Swayne,
Lawrence Ward.

The Govern^r acquainted y^m wth y^e occasion of this court,
that here had Mr. Whiting & L^t Bull, of Hartford, been lately
with most of the Magestrates & brought a letter from Mr.

Willis to Mr. Jones; and they signified that Mr. Whiteing being lately in y^e Bay & haveing speech wth many friends there, he was hastened away by them to communicate matters above at Coñecticut & alsoe to us, sheweing y^mselves very sensible of danger of detrim^t to y^e countrey by reason of any differances between y^e colonies, now the kings coñmission^{rs} were come over,* & they looked upon this differance of ours wth Coñecticut to bee th^e greatest, & therefore they declared y^t they was sent to this purpose, & declared this to be y^e advise of the best part in y^e Bay, though they had noe letter, that this differance be made up betwixt us, being very sensible of danger to all by this meanes, & therefore they judge this the best way for all our safety to stand for the liberties of our pattents, & soe Coñecticut & they would have us to joine wth y^m upon y^t account, for they conceive a great advantage given to y^e coñmission^{rs} by our standing off. Now we told them for our parts we could doe nothing in it ourselves, but after much debate & urgeing we signified to y^m thus much, That if Coñecticut would come & assert their claime to us in y^e kings authority, & would secure w^t at any time they had ppounded to us, & would engage to stand to uphold the liberties of their pattent, we would call y^e gen^l court together that they may consider of it & be ready to give them an [383] || answer, & sd for our pts we did not know but wee might bow before it, if they assert it & make it good. They urged to have something from us as grounds of certainty y^t we would soe doe, but we told y^m that we would not doe soe. Now the court was desired to consider of it, w^t answer should be given if they should soe come. Much debate there was upon it, & something pleaded upon y^e danger of standing as now we are, if y^e kings coñmission^{rs} come amongst us; much alsoe was sd by some against, & declared y^t they see noe reason of such a motion, makeing y^t a question to be answered before wee knew it would be put to us; alsoe y^t there had not been a full su^mons to all y^e plantations for this gen^l court;

* Two of the royal commissioners, Col. Richard Nicolls and George Cartwright, Esq., arrived at Boston, Saturday evening, July 23d, 1664. Sir Robert Carr and Mr. Maverick arrived at Piscataqua about the same time.

alsoe it was questioned whether the gen^l court, if it were full, had any power to deliver up the collony state without y^e consent of y^e whole body of freemen at least. But notwithstanding all y^t was sd, it came to a vote as followeth, That if Coñecticut doe come downe & assert their right to us by vertue of their charter, & require us in his majesties name to submitt to their governement, that then it be declared to y^m y^t wee doe submitt, referring all agreem^{ts} between us to y^e finall issue of the commission^{rs} of our conföderates.

The vote passed in y^e affirmative, but after y^e vote was past there appeared some dissatisfaction, and there was further advice & consideration tooke in y^e case, & much was sd y^t it was necessary the freemen should be acquainted with it, & in y^e issue came to another vote, which was this; That if they of Coñecticut come & make a clayme upon us in his majesties name & by vertue of their charter, then wee shall submitt to y^m, untill the coñmissioners of y^e colonies doe meete; & soe the governor, deputy governor & magistrates, or soe many of y^m as can be got together, were appointed to give the answer to Coñecticut men if they come.

[At the meeting of the Commissioners of the United Colonies, in Hartford, September, 1664, these letters, to the Commissioners, and to Mr. Leete and Mr. Jones, were presented.

Hartford, September 2^d, 1664.

Much Honoured Gent^{ns},—We understand by our comissioners that Newhauen gent^{ns} haue presented an order (as they call it) of their Generall Courte, whereby it appeares M^r. Leet & M^r. Joanes are chosen comissioners, and inuested wth power to act as com^{ns} for New Haven Colony. Vpon this information we thought good to present o^r thoughts unto your consideration. We cannot approue of the aforementioned gent^{ns} to sitt as com^{ns} amongst you, because it doth not appeare that they are a colony, or haue any power of gouerment distinct from us, confirmed by regall authority, and we know no other gouerment in his Majesties dominions but such as is confirmed by him. They being no gouerment as afoarsayd, we cannot but judge it will be prejudiciall to the seuerall colonyes & our charter to owne & approue of the gouerment of New Haven. Besides we doe clayme them to be a parte of o^r colony, being included in his Majesties royall grant.

And we doe hereby declare that we shall haue a tender respect to o^r honoured freinds and bretheren of New Hauen, & shall apply

o'selves to improue o' all to accomodate them wth all such desireable priuiledges as o' charter afoardes.

Farther we thought it conuenient to informe your Hono^r, that it is o' desire still to mayntaine o' confederation wth the Vnited Colonyes of Massachusets & Newplimoth, desiringe that full prouission may be made to that purpose, according to that article of the confederation that allowes of two colonyes vniteing into one, which is consonant to y^e aduice of the com^{rs} & y^e honoured Courte of Massachusets to this colony. Gent^l we rest your freinds & seruants,

John Allyn, Secret^y, By order of the
Councill of Conecticut.

The Councill ordered the secretary to signe this lett^r in their names, & by their order to deliuer it to the commissioners.

Whereas, we haue the 2^d of this instant, in a writting presented to the much honoured, the Com^{rs} of the Vnited Colonyes, made clayme to the late Colony of New Hauen, as being included in his Majesties royall grant in his letters pattents to this his Colony of Conecticut, & also haue formerly upon publication of our charter required their attendance thereunto, wee doe now in the presence of the hono^rd com^{rs} afoarsayd, in his Majesties name demande W^m Leette & W^m Joanes, Esq^r, they being the representitiues of the people of New Hauen, &c., that they & the rest of the people of Newhauen, Milford, Brandford, Guilford & Stanford doe attend y^e gouernment establisht by his Majestie in this his Colony of Conecticut, & we purposse, by the help of God, to apply o'selves to take due care of them, & to affoarde them all such priuiledges as are agreeable to o' charter.

In the name & by order of the Councill of the Colony of Conecticut,
John Allyn, Sec^y.

For M^r. Leete & M^r. Joanes.

Conn. Council Rec.

The difference between the two colonies having been brought before the Commissioners, they declared that as the occasion thereof was acted without their cognizance, and the grounds not being fully known to them, they could, as to the right of the cause, add nothing to what was past by the commissioners, at their meeting in 1663, yet considering how much the honor of God as well as the weal of all the colonies, as themselves therein interested, are concerned, in the issue, they heartily and affectionately commended such a compliance between them that the sad consequences which would inevitably follow upon their further contentions, might be prevented. Provision was made, in case of union, respecting the preservation of the confederation and the places of meeting, &c., and it was proposed that thenceforth the meetings should be triennial. Rec. Com. U. C., Sept., 1664.]

[384] AT A GENERALL COURT OF Y^e FREEMEN OF THE JURIS-
DIC^{ION}, HELD AT NEW HAVEN SEPTEMB. 14th, 1664.

The Governo^r acquainted y^m with the occasion of calling y^m together at this time, & that was something they had mett

withall lately at y^e meeting of y^e comission^{rs} at Hartford, as in y^e writeings may appeare, which writings that concerned us were all now read, with a letter alsoe subscribed by Mr. Sam^l Willis & Mr. John Allyn, directed to James Bishop, to be comūicated to this assembly; the governo^r further sd that it was a season to advise & consider together, in what state is best for us to appeare when the comissioners from England come to visitt us, whether in y^e state we now are, or under a regall stampe (as they call it) in joyneing with Connecticutt. There was much debate, & divers spake that to stand as God hath kept us hithertoo is our best way; but some desired to understand the vote of the last gen^l court, soe y^e secretary went home to fetch it, & in the meane space, while he was gone, the assembly was broke up & noe more done at this time.*

* The Council of Connecticut, October 4, 1664, passed the following vote.

"Whereas there hath bene many endeauours both by Generall Assembly & Councill of this Colony for the effecting of a loueing & freindly compliyan^{ce} wth o^r loueing freinds & neighbours of New Hauen, Milford, &c., and whereas we haue according to the tenour of our charter receiued intimations of their inclinations thereunto by o^r freinds in those partes, we doe for the perfecting of a loueing vnion, desire o^r honoured goun^r & Mr. Willys to appoynt officers in those seuerall plantations of N. H., Mil.; Bran.; Gil: & Stanford, & to settle matters there soe as they judg most conduceable to y^e peace & wellfare of the whole."

The General Assembly met on the 13th of the same month and appointed Mr. Samuel Sherman and the Secretary, John Allyn, to go to New Haven, &c., and in his Majesty's name require all the inhabitants of New Haven, Milford, Branford, Guilford and Stamford, to submit to the government established in Connecticut by his Majestys gracious grant, and to take their answer. The committee were also authorised to declare so many of the present freemen of those towns, as would take the freeman's oath, to be freemen of Connecticut, and to administer the same oath to such others of the inhabitants as they should find by sufficient testimony, to be qualified. They were to declare that the assembly invested Mr. Leete, Mr. Jones, Mr. Gilbert, Mr. Fenn, Mr. Crane, Mr. Treat and Mr. Law, with magistratical power to assist in the government of those towns according to the laws of Connecticut, or such of their own as were not contrary to the charter, and all other civil and military officers were confirmed. They were also ordered to declare that what had formerly passed to an issue in the courts of New Haven colony, should not be called to account.

Mr. Mathew Allyn and Mr. James Richards were to make the same declaration at Stamford.

The Council, November 3, 1664, judged it "most conduceable to the best effecting the minde of the Gen^l Courte, respecting New Hauen, &c., that those comissioned for that purpose doe attend their business wth the representatiues of those plantations mett together, & that actuall sweareing of freemen be at present respitted, as aduiseable to be the most peaceable way at present, & that the act of indemnity declared by the Gen^l Courte be notified to them." Trumb. Col. Rec. i. 437. Conn. Council Rec.

ATT A GEN^l COURT HELD AT NEW HAVEN FOR THE JURISDIC^oN,
DECEMBER 13th, 1664, TOGETHER WITH THE FREEMEN OF N.
HAVEN, GUILFORD, BRANFORD, & PART OF MILFORD, & AS
MANY OF Y^e INHABITANTS AS WAS PLEASED TO COME.

The Gen^l Court considered of severall things, and first

The following account of the proceedings of the committee, at New Haven, November 19th, 1664, is taken from the Records of that town, vol. iii. p. 46.

"The Deputy Governo^r acquainted the towne y^t the occasion of y^e meeting was that there were some gentlemen from Conecticut that had something to acquaint y^e towne withall, & he thought the business in gen^l was to require our submissioⁿ to Conecticut, wth some oth^r ppositions. He further minded y^e towne of the peace & unity y^t God had hitherto continued amongst us, & the many blessings both on y^e right hand & left y^t we had enjoyed under this governm^t, & alsoe told the towne that wee are a people in combination wth oth^r, & therefore could not give a full answe^r without first acquainting y^e other plantations, & then y^t we ourselves were not a full meeting of y^e towne, divers of y^e farmes haveing not warneing. But the gent: being come in, Mr. Jones desired to see theire comission. They declared that they should shew it to psons deputed, but after read it, & then declared what they had to say to y^e towne, (the psons were Mr. John Allyn & Mr. Sam^l Shearman.) These gent urged to have y^e matter put to vote, but they were told y^t y^e towne meeting was not full. But Mr. Allyn sd y^t if Mr. Shearman did consent, which he thought he would, he should take the boldnes to put it to vote himselfe, but his speech was disliked & after witnessed against, & they were desired to withdraw awhile & the towne would consider to give them an answe^r, & soe they did, and the towne considering of it came to this conclusion as their p^sent answer by a gen^l vote, onely one dissenting, which answe^r follows their declaration. The gent. aforesd being called in againe, the answe^r was read to y^m, they desired a copy of it which was granted, they leaveing a copy of w^h they had declared, which they pmised & is here inserted as followeth.

"Wee underwritten in his Maj^{ties} name, by order from y^e Gen^l Assembly of Conecticut doe require all y^e inhabitants of y^e towne of Newhaven to submit to y^e governm^t established in y^e colony of Conecticut by his Maj^{ties} gracious graunt to y^e colony of Conecticut.

"Wee doe declare y^t y^e Gen^l Assembly of Conecticut, ^ W^m Leet & W^m Jones, Esq^{rs}, Mr. Gilbert, Mr. Fen, Mr. Crane, Mr. Treat & Mr. Lawes, with magistraticall power to assist in y^e governm^t of y^e plantations of Newhaven, Milford, Branford, Guilford & Stanford, & y^e people thereof according to y^e lawes of y^e corporation of Conecticut, or soe many of those orders y^t formerly have been of use amongst y^m & are not contradictory to y^e teno^r of o^r charter untill y^e court order otherwise.

"Wee doe alsoe in y^e name & by order of y^e Gen^l Assembly declare that all other military & civill officers are established in their respective places untill y^e court in May next. Wee doe alsoe declare by order from y^e Gen^l Court aforesd that they will not call to account what hath formerly passed to an issue in your courts of judicature.

John Allyn,

Samuell Shearman.

"Wee doe further declare y^t it is intended by the Gen^l Court of Conecticut that y^e freemen of N. Haven upon y^e p^sentm^t of their names (wth testimony) be accepted as freemen of Conecticut.

John Allyn,

Samuell Shearman."

The answer of New Haven, mentioned above, is not recorded.

about y^e men y^t were p^rssed by authority to goe with Capt. Scott to Long Island, what to allow y^m, & it was agreed to allow y^m 12^d a day with their charges borne.

Alsoe it was considered about Milford breakeing off from y^e colony, soe y^t neither magistrate nor deputies attend this gen^l court.* The court by vote declared against their soe acting, as disorderly & contrary to their combination.

The same was declared concerneing M^r. Rich: Lawes acting at Stamford.

Sam^l Andrewes was called, & told y^t there had been of late some disorders in y^e troope, in gathering together in such a [385] resolute way at a place in y^e woods and || choosing officers, &c. He was told y^t it had exercised the court how to leave such a trust into such hands that hath soe carried. He answered, that indeed there was such a meeting & officers chosen, but what was done, it was done in submission to the court, & he disowned it as any act of his.

The Court afterwards considering of y^e case about y^e troope, & findeing it not settled according to order, did now order to lay it downe untill further order, & co^mmitted the trumpett & coulors to Roger Alling, the p^rsent jurisdic^on treasurer, alsoe all y^e jurisdic^on stock of a^munition & bookes, untill further order about y^e same.

The Gen^l Meeting being come together, the governor acquainted y^m with the occasion of calling y^m together, & that is some of Coⁿecticut gentⁿ haveing made demaund of our submission to y^r government, in his majesties name, &c., the answ^r of these three townes were wth p^mise of further answ^r when they should consider of y^e matter together; & therefore to sett their thoughts a worke about it, something

* The minute of the submission of Milford is as follows.

Milford y^e 17th of Nour, 1664.

These are in his majesties name to will & require you forthwth to warne all y^e inhab-
itance at your town of (Milford) being housholders, to meet at y^e meetinghouse this
day about one of y^e clock, to attend such occations wth M^r. Sherman & myself as are
giuen us in charge by y^e Gen^l Court of Coⁿecticut; whereof sayle not.

To Joseph Waters to execute.

John Allyn, Sec^y.

The inhabitants of Milford by a gen^l vote of there towne submitted themselues to
y^e gouernment of Coⁿecticut, no one person voted agnst it, this 17th of Nouember,
1664.

Misc. i. 87.

was ppounded to y^m & left with y^m to consider of till y^e morneing.

In y^e morneing the assembly being come together, the governo^r ppounded to know what was y^e issue of y^r thoughts in y^e busines left with them. After some debate, the answe^r was drawne up in writeing & read, & after serious consideration put to vote, & soe was concluded with universall consent, not any one opposing.

The vote of the freemen & other inhabitants of y^e colony mett together at N. Haven, the 13th of December, '64, in answe^r to w^t Mr. John Allyn & Mr. Sam^l Shearman declared in o^r severall townes in Novemb: last, as followeth,

1. First that by this act or vote wee bee not understood to justify Coⁿecticutts former actings, nor any thing disorderly done by our owne people upon such accounts.

2. That by it wee be not app^rhended to have any hand in breakeing or dissolving the confœdera^con.

Yet in testimony of o^r loyalty to the kings majesty, when an authentick copy of y^e determination of his co^missioners is published, to be recorded wth us, if thereby it shall appeare to our co^mitte^e that we are by his maj^{ties} authority now put under Coⁿecticutt Pattentt, wee shall submitt, as from a necessity brought upon us by their meanes of Coⁿecticutt aforesd^d, but with a salvo jure of our former right & claime, as a people who have not yet been heard in point of plea.

¶ James Bishop, *Secret*.

[386] || It was ppounded to y^e assembly that they would appoint a co^mitte^e for y^e consumating of matters betwixt Coⁿecticutt & us, & to give answe^r to their returne unto y^e former vote.

The co^mitte^e appointed was y^e p^rsent members of this gen^l court, wth the elders, Capt. John Nash, James Bishop, Francis Bell, Mr. Rob^t Treat, & Rich^d Baldwin or Serj^t Fowler in one of their absence. These, or the major part of them that can meete together, were impowered & intrusted with the whole affayre in p^rparatory way, co^municating to y^e severall townes what they agree upon, for their concurrence & confirmation.

There was alsoe a letter read to y^e assembly to be sent up with y^e former vote to Conecticut. It was alsoe left to y^e sd comitte.

The Court upon a serious view of y^e accounts of y^e jurisdiction treasurer, did find necessary for the attending of righteousness in defraying of publike charges, to lay a halfe penny rate upon y^e pound, to be payd by y^e severall plantations & y^e pprietors of Paugasett unto y^e jurisdiction treasurer in March next, with y^e last of the former rate, in such pay & at such prizes as y^e last yeare.*

A letter to Conecticut, as followeth,

Honrd Gent',

Wee haveing been silent hitherto, as to y^e makeing of any grievance knowne unto y^e kings comission^{rs}, notwithstanding w^t may be wth us of such nature from the severall transactions y^t have been amongst us, are desirous soe to continue the managing of these affayres in wayes consistent wth y^e ancient confederation of y^e United Colonies, chuseing rather to suffer then to begin any motion hazardfull to N. England settlement^s. In pursuance whereof, (according to o^r pmise to yo^r gent: sent lately to demand our submission, though in a divided, if not deviding way, within our townes severally, seeking to bring us under the government by yo^rselves already settled, wherein

* Perhaps also at this time it was agreed that this letter should be sent to Col. Nicolls, one of the royal commissioners.

Right Hon^{ble}, At a gen^l meeting of deputies from y^e severall plantacons of this colony, it was agreed y^t a letter should be p^pared and sent to informe yo^r hono^r of y^e great wrong and injury this colony have suffered from y^e Dutch at Delaware Bay, about 14 yeares agoe, being violently repulsed wth great damage out of theire just purchase and possession there; for we had purchased a great tract of land on y^e one and y^e other side of y^e Bay or River, and a plantacon begun by sundry psons, & a trading house set up, w^{ch} y^e Dutch pillaged and burnt, and soe wholly destroid y^e desigⁿe at y^t tyme. Two or 3 yeares afterwards, a new attempt was made and a vessell sent, w^{ch} was then alsoe stopt at the Manhatoes, and sundry of y^e principall psons imprisoned by the Dutch governo^r, soe y^t nothing y^t way hath ever bin attempted since, although y^e Indians of whome we purchased y^e land doe still owne our right & much desire y^e coming of the English. But thus much only to acquaint yo^r hono^r w^t is further intended upon a further search of o^r records to be improved by yo^r hono^r as yo^r wisdom shall think fit; humbly desiring alsoe that o^r just claime to y^e pmisses, w^e more fully psecuted, may be admitted. Thus craving yo^r hono^r^{rs} pdon for this boldness, with humble service p^sented, rests, Yo^r Hon^{rs} humble Serv^t.

20 Dec^r, 1664.

W^m Jones.

Doc. rel. to Col. Hist. N. Y., iii. 82.

we have had noe hand to settle the same, & before you had cleared to our conviction the certaine limits of your charter, which may justly increase the scruple of too much hast in y^t & former actings upon us,) the generality of o^r undevided people have orderly mett this 13th of 10th m^o, (64,) & by y^e vote inclosed have p^rpared for this answer (to be given) of o^r submission, which being done by us, then for the accomodating of matters betwixt us in amicable wise, by a co^mittee impow^ered to issue with you on their behalfe & in the behalfe of all concerned, according to instructions given to y^e s^d co^mittee. Wee never did, nor ever doe intend to damnify your morall rights or just priviledge, consistent with o^r like honest enjoym^t, [387] || and we would hope y^t you have noe further scope towards us, not to violate our coven^t interest, but to accomodate us wth that we shall desire & the pattent beare, as hath been often s^d you would doe. And surely you have y^e more reason to be full with us herein, seeing y^t yo^r success for patent bounds wth those gent: now obtained seemes to be debtor unto our silence before y^m, when as you thus by single application and audience issued that matter. You thus pformeing to satisfaction, we may still rest silent, & according to pfession by a studious & cordiall endeavor with us to advance the interest of Christ in this wildernes, & by the Lords blessing thereupon, love & union betweene us may be greatly confirmed, & all our comforts enlarged, which is the earnest prayer of,

Gent: your loveing friends and neighbors,
the Co^mittee appointed by y^e freemen &
inhabitants of N. Haven Colony, now
assembled,

New Haven, Decemb: 14th, ⑆ James Bishop, *Secretary*.
1664.

Connecticutts returne.

Hartford, Decembr 21th, 1664.

Hono^r^d Gentⁿ,

Wee have received yo^r^s dated the 14th of this instant, signed p James Bishop, &c., wherein you are pleased to mention yo^r silence hitherto, as to y^e makeing any grievance knowne to his maj^{ties} co^mission^{rs}, notwithstanding what may be with

you, &c. Wee can say y^e same, though we had faire opportunities to p^rsent any thing of that nature. As for yo^r desire to manage affayres consistant with y^e confederation, the p^rsent motion will (we hope) upon a candid review not appeare any wayes dissonant therefrom, for besides y^e provision made in one of the Articles of Confederation for two colonyes uniteing in one, there was speciall provision (as you well know) made at y^r last session of the com^{rs} to that purpose, conjoynd with patheticall advice & counsell to an amicable union. Or too much forwardnes with N. Haven, &c, is not soe cleare, seeing those plantations you inhabitt are much about the centure of o^r patent, which o^r charter limitts, as alsoe the inclosed determination of his maj^{ties} honourable comission^{rs}, will to yo^r conviction be apparant. That o^r success for patent bounds with y^e kings com^{rs} is debtor to yo^r silence seemes to us strange, when yo^r non compliance was soe abundantly knowne to those gentⁿ, yea the newes of yo^r motions when Mr. Jo: Allyn was last with you, was at Newyorke before o^r governo^rs departure thence, notwithstanding yo^r silence, and yet soe good an issue obtained. Wee desire such reflections may be [388] buried || in-perpetuall silence, which onely yo^rselves necessitating thereunto shall revive them, being willing to pursue truth & peace as much as may be with all men, especially with o^r deare brethren in the fellowship of the gospel, & fellow members of the same civill corporation, accomodated wth soe many choise priviledges, w^{ch} wee are willing after all is p^rpared to yo^r hands to conferre upon you equall wth o^rselves, which we wish may at last produce the long desired effect of yo^r free & cordyall closure with us, not attributing any necessity imposed by us farther then the scituation of those plantatations in the heart of o^r colony, and therein y^e peace of posteritie in these parts of the countrey is necessarily included, & that after soe long liberty to p^rsent yo^r plea where you have seene meete. Gentⁿ wee desire a full answer as speedily as may be, whether those lately impowered accept to governe according to their commission, if not, other meete persons to governe may by us be impowered in their roome. Thus desiring the Lord to unite o^r hearts & spiritts in wayes well pleasing in his sight,

Which is the prayers of yo^r very loveing friends,

The Councill of the Colony of Conecticut,

Signed by their order p me, John Allyn, Secretry.

*The determination of his maj^{ties} com^{rs} followes.**

* A blank is here left for the record of the determination of the royal commissioners. The copy here given is from the record in a volume in the Secretary's office in Hartford, lettered "Colonial Records, New England, 1664, 1702." p. 2.

[By vertue of his Ma^{ties} Commission wee haue heard the differences about the bounds of the Patents graunted to his royall highnesse the Duke of Yorke & his Majesties Colony of Conecticut, and haueing deliberately considered all the reasons alleadged by M^r. Allyn, sen^r, M^r. Gold, M^r. Richards, & Captaine Winthrop, appoynted by the Assembly, held at Hartford the 13th day of October, 1664, to accompany John Winthrop, Esq^r, (the gouernour of his Majesties Colony of Conecticut) to New Yorke, & by M^r. Howell and Captaine Young of Long Island, why the sayd Long Island should be under the gouernment of Conecticut, which are to long here to be recited, Wee doe declare and order, that the southern bownds of his Majesties Colony of Conecticut is the sea, & that Long Island is to be under the gouernment of his royall highnesse the Duke of Yorke, as is exprest by playn words in the sayd patents respectiuely.

And also, by vertue of his Majesties Comission, and by the consent of both the gouernours & the gentlemen aboue named, wee also order & declare, that the creeke or riuer called Momoronock, which is reputed to be about twelue miles to the east of West Chester, and a lyne drawne from the east poynt or side, where the fresh water falls into the salt at high water marke, north northwest, to the lyne of the Massachusets, be the western bownds of the sayd Colony of Conecticut, and all plantations lyeing westwards of that creeke and lyne so drawne, to be under his royall highnesse gouernment, and all plantations lyeing eastward of that creek & lyne, to be under the gouernment of Conecticut.

Giuen under o^r hands, at Forte James in New Yorke on Manhatans Island, this 30th day of Nouember, 1664.

Richard Nicolls,
George Cartwright,
Samuell Mauericke.]

[389] *The last returne of N. Haven Colony Comittee, in answe^r to their former letter.*

Newhaven, Janry 5th, 1664.

Honord Gent^l,

Whereas by yo^{rs}, dat^d Decembr 21th, 1664, you please to say y^t you did y^e same as we in not makeing any grievance knowne to the com^{rs}, &c, unto y^t may be returned that you had not y^e same cause soe to doe, from any p^rtence of injury by o^r intermedling with yo^r colony or covent^t interest, unto w^{ch} we referre y^t passage. For o^r expressing desires to man^{age} all o^r matters in consistencie wth the confœderation we hope you will not blame us; how dissonant or consonant yo^r actings with us have been, we leave to y^e confœderates to judge, as their records may show. That article w^{ch} allowes

two colonys to joine doth alsoe wth others assert y^e justnes of each colonyes distinct right untill joined to mutuall satisfaction, & the provision made in such case y^e last session we gainesay not, w^h the union is soe compleated & a new settlem^t of the confederation by y^e respective gen^{ll} courts accomplish[ed.] Their patheticall advice & counsell for an amicable union we wish may be soe attended, in order whereunto we gave you notice of a co^mittee p^rpared to treat with you for such an accomodation, unto w^{ch} you give us noe answer, but instead thereof send forth yo^r edict from authoritie upon us before o^r conviction for submission was declared to you. The argum^t from o^r intermixt scituation is y^e same now as it was before o^r confederating & ever since, & affords noe more ground now to dissanull y^e coven^t then before. We might marveile at yo^r strange why we should thinke yo^r successe should be debto^r to o^r silence, & y^t because y^e newes of o^r noncompliance was wth y^e com^{rs}, as if y^e meere newes of such a thing contained y^e strength of all we had to say or plead. Gentⁿ we intreate you to consider that there is more in it then soe, yea y^t still we have to alledge things of weight, [390] & know where & how, if wee chose not || rather to abate & suffer, then by striving to hazard y^e hurting yo^rselves or y^e co^mon cause. We scope not at reflections, but conviction & conscience-satisfaction, y^t soe brethren in y^e fellowship of y^e gospell might come to a cordiall & regular closure, & soe to walke together in love & peace to advance Christ his interest among them, which is all our designe; but how those high & holy ends are like soe to be promoved betweene us without a treaty for accomodation, wee have cause to doubt, yet y^t wee may not faile in y^e least to performe whatever wee have said, we now signify, that haveing seene y^e coppye of his maj^{ties} co^mission^{rs} determination (deciding y^e bounds betwixt his highnes y^e Duke of Yorke, & Coⁿecticutts charter,) wee doe declare submission thereunto according to y^e true intent of our vote, unto which we referre you. As to that part of yo^r concerning o^r magistrates & officers acceptance, their answer is, that they haveing been chosen by the people here to such trust, & sworne thereunto for y^e yeare ensueing & untill new

be orderly chosen, and being againe desired to continue y^t trust, they shall goe on in due observance thereof, according to y^e declaration left with us by Mr. John Allyn & Mr. Sam^l Shearman, beareing date Novembr 19th, 1664, in hopes to find y^t in a loveing treaty for accomodating matters to y^e ends professed by you, unto which or co^mittee stands ready to attend, upon notice from you, that soe truth & peace may be maintained. Soe shall wee not give you further trouble, but remaine,

Gent^l yor very loveing friends & neighbor^s
the Co^mittee appointed by y^e freemen & inhab-
itants of N. Haven Colony, signed & their
order, & me, James Bishop, *Secret'y*.

[Connecticut appointed no committee to treat with the committee of New Haven Colony respecting the terms of union, and the special privileges before offered to New Haven not having been accepted, when those towns finally submitted, they did so to enjoy "equall pattent priviledges in all respects with the rest of the members of this collonie." A county court was established at New Haven, October, 1665, and the United Colony was divided into four counties, the next year, but no Court of Assistants, or Superior Court, if we except the short period of Andross' administration, sat in New Haven till October, 1701. The laws of Connecticut were read, by Mr. Jones, at a public meeting in New Haven, August 14th, 1665, and thereafter those of New Haven were entirely disused and laid aside. The first court with a jury was held there October 8d, 1665.

A special session of the general assembly was called to meet at Hartford, on the 15th of March, 1664-5, to attend which from New Haven, Capt. John Nash and John Cooper were chosen, but the former declaring his inability to go, Lieut. Thomas Munson was elected in his place; the session was, however, put off till April 20, 1665, when John Cooper and James Bishop were chosen deputies and attended. The session appears to have been entirely harmonious. A suitable number from the towns of New Haven, Milford, Guilford, Stamford and Branford was put in nomination, of whom, Mr. Leete, Mr. Jones, Mr. Fenn and Mr. Crane, at the election in May, 1665, were chosen Magistrates or Assistants of Connecticut, and an act of indemnity was passed in these words, "This Court doth hereby declare that all former actings that have past by the former power at New Hauen, so farr as they have concerned this colony, (whilst they stood as a distinct colony,) though they in their own nature have seemed uncomfortable to us, yet they are hereby buried in perpetuall obliuion, neuer to be called to account."

The union was a real advantage to the inhabitants of both colonies, and contributed essentially to the peace, strength, prosperity and convenience, of them and their posterity; nor afterward, save to Mr. Davenport, Mr. Pierson and a part of the congregation of the latter, who were strenuous advocates for the principle that church members only should have the privilege of freemen, does there any thing appear which would lead to the supposition that the change of government was not perfectly and entirely to the satisfaction of the people of the former Colony of New Haven.]

ERRATA.

Page 449, line 2, *for srow, read frow.* A *frower* is defined as an instrument used in cleaving laths.

Page 468, line 15 of note, *for keep ey^e, read keepe y^e.*

Page 487, line 13, *for 1557, read 1657.*

In the former volume.

Page 516, bottom line, *for 1649, read 1647.*

State of Connecticut, ss.

Secretary's Office.

I hereby certify, that I have caused the printed matter contained in the foregoing pages of this volume to be carefully compared with the original Record, and that the same is (except where otherwise indicated and expressed,) a true, full and literal copy thereof, and of such documents from the Files of the State as are incorporated therewith.

L. S.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the State, at Hartford, this 6th day of April, A. D. 1858.

ORVILLE H. PLATT,

Secretary of State.

Nevv-Haven's
Settling in
NEW-ENGLAND.
AND SOME
LAWES
 FOR
G O V E R N M E N T:
 Published for the Use of that Colony.

Though some of the Orders intended for
 present convenience, may probably
 be hereafter altered, and as
 need requireth other
 Lawes added.

L O N D O N:
 Printed by *M. S.* for *Livewell Chapman*, at the
Crowne in *Popef-head-Alley*.
 1 6 5 6.



NEW-HAVEN'S

Settling in

New-England.

And some Lawes for Government, &c.

IT hath pleased the onely wise, and All-sufficient God, who Ruleth all the world, determines times, and sets the bounds of all mens habitations, but is the Rich, and pretious portion of them that fear and trust in him, at sundry times, and upon weighty occasions, to bring severall Companies of his people, over the great Deeps, into this part of *America*, called *New-England*, a place far remote from their dear Native Countrey, and hath here planted, protected, and graciously provided for them.

The first Adventurers (before they had conveniency for travell, and opportunity to consider, and compare one place with another) sate downe at *Plymouth*, and have had much experience of Gods goodnesse and compassion in a Wildernesse, now betwixt thirty, and forty years.

In some years after, the Lord bringing over more of his people, they planted in, and about the *Massachusetts* Bay, and grew a large Colony, and after them the English in *Connecticut*, and *New-Haven*, for the conveniency of the Sea, and Rivers, planted more Westerly. And for a while continued, though united in Nation, Religion, and affection, yet otherwise severall and distinct Jurisdictions, free from [2] || any expresse Ingagement one to another. In this time the Enemy slept not, but was at work, to disturb the peace of the *English*, both in sowing Tares within, among themselves, and stirring up the *Indians* from abroad against them; but he that is wonderfull in Counsell, and excellent in working, overpowred Satan, and his Instruments, and gave good issues to his people, in those their uncomfortable exercises.

A while after, upon the motion of the *Massachusetts* Colony, a Treaty was begun, and in processe of time comfortably finished; solemne Cov-

enants were agreed, and concluded betwixt the said Jurisdictions, in the following words.

A R T I C L E S

O F

Confederation betwixt the Plantations under the Government of the *Massachusetts*, the Plantations under the Government of *Plymouth*, the Plantations under the Government of *Connecticut*, and the Government of *New Haven*, with the Plantations in Combination therewith.

W Hereas we all came into these parts of *America*, with one and the same end and ayme, namely, to advance the Kingdome of our Lord Jesus Christ, and to enjoy the liberties of the Gospel, in purity with peace; and whereas in our settling (by a wise providence of God) we are further dispersed upon the Sea-Coasts, and Rivers, then was at first intended, so that we cannot (according to our desire) with convenience communicate in one Government, and Jurisdiction; and whereas we live encompassed with people of severall Nations, and strange languages, which hereafter may prove injurious to us, and our posterity: And forasmuch as the Natives have formerly committed [3] sundry insolencies and outrages upon severall Plantations of the English, and have of late combined themselves against us. And seeing by reason of the sad distractions in *England*, which they have heard of, and by which they know we are hindred both from that humble way of seeking advice, and reaping those comfortable fruits of protection which, at other times, we might well expect; we therefore doe conceive it our bounden duty, without delay, to enter into a present Consotiation amongst our selves, for mutuall help and strength in all our future concernsments, that, as in Nation, and Religion, so, in other respects, we be, and continue, One, according to the tenour and true meaning of the ensuing Articles.

- I. Wherefore it is fully Agreed and Concluded by and between the parties, or Jurisdictions above named, and they doe joyntly and severally by these presents agree and conclude, That they all be, and henceforth be called by the name of, *The United Colonies of New-England*.
- II. The said United Colonies for themselves, and their posterities doe joyntly and severally hereby enter into a firm and perpetuall league of friendship and amity, for offence and defence, mutuall advice and succour, upon all just occasions, both for preserving and propagating the truth, and liberties of the Gospel, and for their own mutuall safety, and welfare.

It is further agreed, That the Plantations which at present are, or hereafter shall be settled within the limits of the *Massachusetts*, shall be forever under the Government of the *Massachusetts*. And shall have peculiar Jurisdiction amongst themselves, as an intire body; and that *Plimouth, Connecticut*, and *New-Haven*, shall each of them, in all respects, have the like peculiar Jurisdiction, and Government within their limits. And in reference to the Plantations which already are settled, or shall hereafter be erected and shall settle within any of their limits respectively, provided that no other Jurisdiction shall hereafter be taken in, as a distinct head, or Member of this Confederation, nor shall any other either Plantation, or Jurisdiction in present being, and not already in combination, or under the Jurisdiction of [4] || any of these Confederates, be received by any of them, nor shall any two of these Confederates, joyne in one Jurisdiction, without consent of the rest, which consent to be Interpreted, as in the sixt ensuing Article is expressed.

III.

It is also by these Confederates agreed, That the charge of all just Wars, whether offensive, or defensive, upon what part or Member of this Confederation soever they fall, shall both in men, provisions, and all other disbursements, be born by all the parts of this Confederation, in different proportions, according to their different abilities, in manner following, namely, That the Commissioners for each Jurisdiction, from time to time, as there shall be occasion, bring a true account and number of all the Males in each Plantation, or any way belonging to, or under their severall Jurisdictions, of what quality, or condition soever they be, from sixteen years old, to threescore, being inhabitants there. And that according to the different numbers, which from time to time shall be found in each Jurisdiction, upon a true, and just account, the service of men, and all charges of the war, be born by the poll: Each Jurisdiction, or Plantation, being left to their own just course, and custome, of rating themselves, and people, according to their different estates, with due respect to their qualities and exemptions among themselves, though the Confederation take no notice of any such priviledge. And that, according to the different charge of each Jurisdiction, and Plantation, the whole advantage of the War (if it please God so to blesse their endeavours) whether it be in Lands, Goods, or persons, shall be proportionably divided among the said Confederates.

IV.

It is further agreed, That if any of these Jurisdictions, or any Plantation under, or in Combination with them, be invaded by any enemy whomsoever, upon notice, and request of any three Magistrates of that Jurisdiction so invaded. The rest of the Confederates, without any further meeting or expostulation, shall forthwith send ayde to the Confederate in danger, but in different proportion, namely the *Massachusetts* one hundred men sufficiently armed, and provided for [5] || such a service, and journey. And each of the rest five and forty men, so armed and provided, or any lesse number, if lesse be required, according to this proportion. But if such a Confederate may be supplied by their next Confederate, not exceeding the number hereby agreed, they may crave help there, and seek no further for the

V.

present. The charge to be born, as in this Article is expressed. And at their return to be victualled, and supplied with powder and shot (if there be need) for their journey by that Jurisdiction which employed, or sent for them. But none of the Jurisdictions to exceed these numbers, till by a meeting of the Commissioners for this Confederation, a greater ayde appear necessary. And this proportion to continue, till upon knowledge of the numbers in each Jurisdiction, which shall be brought to the next meeting, some other proportion be ordered. But in any such case of sending men for present ayde, whether before or after such order or alteration, it is agreed, That at the meeting of the Commissioners for this Confederation, the cause of such war or invasion, be duly considered, and if it appear, that the fault lay in the party so invaded, that then, that Jurisdiction, or Plantation, make just satisfaction, both to the invaders, whom they have injured, and bear all the charges of the war themselves, without requiring any allowance from the rest of the Confederates toward the same.

And further, if any Jurisdiction see any danger of an invasion approaching, and there be time for a meeting, That in such case, three Magistrates of that Jurisdiction may summon a meeting, at such convenient place, as themselves shall think meet, to consider, and provide against the threatned danger. Provided, when they are met, they may remove to what place they please, onely while any of these four Confederates, have but three Magistrates in their Jurisdiction, a request or summons, from any two of them, shall be accounted of equall force, with the three mentioned in both the clauses of this Article, till there be an increase of Magistrates there.

VI.

[6] It is also agreed, That for the managing and concluding || of all affaires proper to, and concerning the whole Confederation, two Commissioners shall be chosen by, and out of the foure Jurisdictions, namely two for the *Massachusetts*, two for *Plimouth*, two for *Connecticut*, and two for *New-haven*, being all in Church-fellowship with us, which shall bring full power from their severall generall Courts respectively, to hear, examine, weigh, and determine all affaires of war, or peace, leagues, aydes, charges, and numbers of men for war, division of spoyles, or whatsoever is gotten by conquest, receiving of more confederates, or Plantations into Combination with any of these Confederates, and all things of like nature, which are the proper concomitants, or consequences of such a Confederation, for amity, offence, and defence, not intermeddling with the Government of any of the Jurisdictions, which by the third Article, is preserved intirely to themselves. But if these eight Commissioners when they meet, shall not all agree, yet it is concluded, That any six of the eight agreeing, shall have power to settle, and determine the businesse in question. But if six doe not agree, that then such Propositions, with their Reasons, so far as they have been debated, be sent, and referred to the foure Generall Courts, *viz.* The *Massachusetts*, *Plymouth*, *Connectecut*, and *New-haven*. And if at all the said Generall Courts, the businesse so referred, be concluded, then to be prosecuted by the Confederates, and all their Members. It is further agreed, That these eight Commissioners shall meet once every year, besides extraordinary meetings, according to

the fifth Article to consider, treat, and conclude of all affaires belonging to this Confederation, which meeting shall ever be the first *Thursday* in *September*. And that the next meeting after the date of these presents, which shall be accounted the second meeting, shall be at *Boston* in the *Massachusetts*, the third at *Hartford*, the fourth at *New-haven*, the fifth at *Plimouth*, the sixth and seventh at *Boston*; and then *Hartford*, *New-haven*, and *Plymouth*, and so in course successively. If in the mean time, some middle place be not found out, and agreed on, which may be comodious for all the Jurisdictions.

[7] || It is further agreed, That at each meeting of these eight Commissioners, whether ordinary or extraordinary; they all, or any six of them agreeing as before, may choose their President out of themselves, whose Office and work shall be, to take care, and direct for Order, and a comely carrying on of all proceedings in the present meeting. But he shall be invested with no such power or respect, as by which, he shall hinder the propounding or progresse of any businesse, or any way cast the scales, otherwise then in the precedent Article is agreed.

VII.

It is also agreed, That the Commissioners for this Confederation hereafter at their meetings, whether ordinary or extraordinary, as they may have Commission or opportunity, doe endeavour to frame and establish Agreements and Orders in generall cases of a civil nature, wherein all the Plantations are interested, for preserving peace amongst themselves, and preventing (as much as may be) all occasions of war, or differences with others, as about the free and speedy passage of Justice in each Jurisdiction, to all the Confederates equally, as to their own, receiving those that remove from one Plantation to another, without due Certificates, how all the Jurisdictions may carry it towards the *Indians*, that they neither grow insolent, nor be injured without due satisfaction, least War break in upon the Confederates, through such miscarriages. It is also agreed, That if any Servant run away from his Master, into any other of these Confederated Jurisdictions, That in such case, upon the Certificate of one Magistrate in the Jurisdiction, out of which the said Servant fled, or upon other due proof, the said Servant shall be delivered either to his Master, or any other that pursues, and brings such Certificate, or proof. And that upon the escape of any Prisoner whatsoever, or fugitive, for any Criminal Cause, whether breaking Prison, or getting from the Officer, or otherwise escaping, upon the Certificate of two Magistrates of the Jurisdiction out of which the escape is made, that he was a prisoner or such an offender, at the time of the escape. The Magistrates, or [8] some of them, of that Jurisdiction where for the || present the said prisoner or fugitive abideth, shall forthwith grant such a Warrant, as the case will bear, for the apprehending of any such person, and the delivery of him into the hand of the Officer, or other person who pursueth him. And if help be required for the safe returning of any such offender, it shall be granted unto him that craves the same, he paying the charges thereof.

VIII.

And for that the justest Wars may be of dangerous consequence, especially to the smaller Plantations in these *United Colonies*, it is

IX.



agreed, That neither the *Massachusetts*, *Plymouth*, *Connecticut*, nor *New-Haven*, nor any of the Members of any of them, shall at any time hereafter begin undertake or engage themselves, or this Confederation, or any part thereof in any War whatsoever (sudden exigents with the necessary consequences thereof excepted, which are also to be moderated, as much as the case will permit) without the consent and agreement of the forenamed eight Commissioners, or at least six of them, as in the sixth Article is provided. And that no charge be required of any of the Confederates in case of a defensive War, till the said Commissioners have met, and approved the Justice of the War, and have agreed upon the sum of money to be levied; which sum is then to be paid by the severall Confederates, in proportion, according to the fourth Article.

- X. That in extraordinary occasions, when meetings are summoned by three Magistrates of any Jurisdiction, or two as in the fifth Article, if any of the Commissioners come not, due warning being given, or sent, it is agreed, That foure of the Commissioners shall have power to direct a War which cannot be delayed, and to send for due proportions of men, out of each Jurisdiction, as well as six might doe, if all met, but not lesse then six shall determine the justice of the War, or allow the demands, or Bills of charges, or cause any levies to be made for the same.

- XI. It is further agreed, That if any of the Confederates shall hereafter break any of these present Articles, or be any other way injurious to any one of the other Jurisdictions such breach of Agreement, or injury [9] shalbe duly considered, and ordered || by the Commissioners for the other Jurisdictions, that both peace, and this present Confederation, may be intirely preserved without violation.

Lastly, this perpetuall Confederation, and the severall Articles and Agreements thereof, being read and seriously considered, both by the Generall Court for the *Massachusetts*, and by the Commissioners for *Plymouth*, *Connecticut*, and *New-Haven*, were presently and fully allowed and confirmed by three of the fore-named Confederates, namely the *Massachusetts*, *Connecticut*, and *New-Haven*; in testimony whereof, the Generall Court of the *Massachusetts* by their Secretary, and the Commissioners for *Connecticut* and *New-Haven* subscribed them the 19 day of the third month, commonly called *May*, Anno Domini, 1643.

Only the Commissioners from *Plymouth*, having brought no Commission to conclude, desired respite to advise with their Generall Court, which was granted, and at the second meeting of the Commissioners for the Confederation, held at *Boston* in *September* following, the Commissioners for the Jurisdiction of *Plymouth*, delivered in an Order of their Generall Court, dated the 29 of *August*, 1643, by which it appeared that these Articles of Confederation were read, approved and confirmed by the said Court, and all their Townships, and their Commissioners authorized to ratifie them by their subscriptions, which they accordingly did, the 7 day of *September*, 1643.

When the Plantations within this Colony first treated to be one New Haven. Jurisdiction, and to settle themselves under one Government, these following particulars were solemnly and unanimously approved and concluded as a fundamentall Agreement, upon which the Combination was framed.

THAT none shall be admitted Free-men, or free Burgesses within this Jurisdiction, or any part of it, but such Planters as are Members of some one, or other of the approved Churches of *New-England*; nor shall any but such be chosen to Magistracy, or to carry on any part of Civil Judicature, or as Deputies or Assistents to have power, [10] or Vote in || establishing Lawes, or in making or repealing Orders, or to any chief Military Office, or trust, nor shall any others, but such Church Members, have any Vote in any such Elections. Though all others admitted to be Planters, have right to their proper Inheritances, and doe and shall enjoy all other Civil liberties and priviledges, according to all Lawes, Orders, or grants, which are, or hereafter shall be made for this Colony.

That all such Freemen of this Jurisdiction, shall yearly without any summons, upon the Election day, which is to be the last fourth day in the week, commonly called *Wednesday*, in *May* (till by the Generall Court some other time be ordered and published) either in person, or by proxy, attend that service: And according to their best light from the word of God, shall Vote in the Election of Governour, Deputy Governour, Magistrates, Commissioners for the *United Colonyes*, Treasurer, Secretary, Marshall, or any other Officer, then chosen for the Jurisdiction. And for the ease of the said Freemen (especially such as dwell remote) it is agreed, That when any of them cannot conveniently come, they may send their Votes, either written, or in some other way sealed up in the presence of the rest of the Freemen in the Plantation where they dwell, or the greater part of them. And further, if any of them purposing to be present at the Election, when the other Votes were sealed up, should after be hindred, and then want opportunity to seale up his Vote, in the presence of the major part of the Freemen; in such case he may seale it up in the presence of two such Freemen as knew he sent no Vote before, and (upon their testimony or Certificate) it shall be accepted, that so the liberty of the Freemen may be preserved, they may have means to attend their duty, and their Votes may be directed according to their particular light. And the said Freemen may at the Election Court yearly, choose so many Magistrates for the Jurisdiction in each Plantation, as the weight of affaires shall require, and as they shall there find Freemen fit for such a trust; provided that when any man of what Plantation soever, shall be first propounded for Magistracy within this Jurisdiction, [11] tion, seasonable || notice shalbe first given to all the Plantations, of such a purpose, or desire, that all the Freemen may duely consider or informe themselves, and that such as cannot be present, but send their Votes, may proceed accordingly, and that each Freeman whether present or absent, at the Election, may the better improve his Liberty,

It is Ordered, that he may give or send his Vote, as he finds cause, either in the affirmative, by putting in an Indian Corne, or in the Negative, by putting in a Beane, or in such other manner, as the Generall Court shall iudge more convenient.

Ex. 18. 21.

22.

Deut. 1. 16.

17.

Deut. 16. 18.

That the affaires of this Jurisdiction, may be the better carried on, and that the inhabitants may know whom to obey, and from whom to seek redresse of injuiries, it is agreed, that there be severall Courts for severall purposes, and of different constitutions and power.

First a General Court, which shall consist of the Governor, Deputy Gover: all the Magistrates, and of two Deputies for each Plantation in the Jurisdiction (where there is a Church duely gathered, and Freemen orderly admitted) which Deputies shall be chosen either yearly, or against the approach of any such Generall Court, by the Freemen of each plantation, or the greater number of them, and shall be sent at each Generall Court with full power (as having the power and Voyces of all the said Freemen derived to them) to consult of, and determine, all such matters, as concerne the publick welfare of this Colony, and with due Certificate thereof, all which both Governor, Deputy Governor, Magistrates, and plantation Deputies shall have Vote in the said Court.

This Generall Court and all the members thereof, shall from time to time meete, and sitt at *Newhaven* (unlesse upon weighty cause, The Major part of the Court, see cause for a time to alter the place) at least once every yeare, namely the last fourth day in the weeke commonly called wednesday in *May*, first to carry on the Elections, And after to consider and order, all such other affaires of the Jurisdiction, as fall within their Cognizance, trust, and power, Beside which fixed Courts, the Governor, or in his absence, The Deputy Governor, and in [12] their absence, any two Magistrats || of this Jurisdiction, shall have power to Summon a Generall Court, at any other time, as the urgent and extraordinary occasions of the Jurisdiction, or any part thereof, may require, And at all such Generall Courts, whether ordinary, or extraordinary, the Governor, Deputy Governor, Magistrates, with all the forementioned Deputies, shall sitt together till the affaires of the Jurisdiction be dispatched, or may (as they conceive) be safely respited; And if any of the said Magistrats, or Deputies, shall either be absent at the first sitting of the said Court, or without leave depart, or disorderly absent him, or themselves from the service, before the Court be finished (though the absence of a lesse part, either of Magistrates, or Deputies, when the Court is either fixed, or with due notice, called extraordinarily, shall neither stop proceedings nor abate the force of what is ordered, by the Major part both of Magistrates, and Deputies, yet) he, or they, shall each of them pay twenty shillings for a fine to the Jurisdiction, for such absence, or departure; But if any Plantation, send no Deputy, or if the absence, or departure, be mingled with contempt, or willfull neglect, which may either hinder the publick service, or prove an ill example, the fine shall be increased, as the Court upon due consideration of the offence, with the agravations, shall iudge meete, or if the absence &c. grow by any over ruling prov-

idence of God, The same is also duely to be considered by the Court, For sparing or mitigating the fine.

This Court thus framed, shall first with all care, and diligence from time to time provide for the maintenance of the purity of Religion, and suppress the contrary, according to their best Light, and directions from the word of God.

Secondly, though they humbly acknowledge, that the Supream power of making Lawes, and of repealing them, belongs to God onely, and that by him this power is given to Jesus Christ as Mediator, *Math.* 28. 19. *Joh.* 5. 22. And that the Lawes for holinesse, and Righteousnesse, are already made, and given us in the Scriptures, [13] which in matters morall, || or of morall equity, may not be altered by humane power, or authority, *Moses* onely shewed *Israel* the Lawes, and Statutes of God, and the *Sanedrim* the highest Court, among the *Jewes*, must attend those Lawes. Yet Civill Rulers, and Courts, and this Generall Court in particular (being intrusted by the freemen as before) are the Ministers of God, for the good of the people; And have power to declare, publish, and establish, for the plantations within their Jurisdictions, the Lawes he hath made, and to make, and repeale Orders for smaller matters, not particularly determined in Scripture, according to the more Generall Rules of Righteousnesse, and while they stand in force, to require due execution of them.

Thirdly to require an Oath from all the Magistrates, Deputies, or Assistents &c. In every Court of Judicature, for the faithfull discharge of the trust committed to them, according to their best abilities. And to call them to account for the breach of any Lawes established, or for other misdemeanours in their places, and to censure them as the quality of the offence may require; and here the Vote to passe as in the Law of Appeals.

Fourthly, To impose an Oath of Fidelity and due subjection to the just Lawes standing in force, upon all the Freemen, Planters, and Inhabitants fit to take an Oath, with due penalty for obstinate refusall, after some convenient time hath been given for due consideration.

Fifthly, To order and appoint such Works and Fortifications as they conceive may tend to the better defence of this Colony; with Guns, Ammunition, and all other provisions and furniture suitable thereunto: And to provide that the same be kept and preserved in a condition fit for present service, whether against *Indians*, or other Enemies. And to order all affairs of war and peace, levying of men, &c. with due respect to the former Articles of Confederation.

Sixthly, To order and regulate Trade, both with *Indians* and others, according to the Rules of Righteousness and prudence, for the publick good; and to settle and levy Rates, Contributions and Impositions [14] upon all sorts of persons, || Lands and Goods, within this Jurisdiction, as the publick service, and occasions of Church or Commonwealth may from time to time require.

Seventhly, To hear and determine all causes, whether Civil or Criminall, which by appeal or complaint shall be orderly brought unto them, either from any inferior Court, or from any of the Plantations.

2 Tim. 2. 16. In all which, with what ever else falls within their cognizance, trust or Judicature (as the highest Court within this Jurisdiction) they shall proceed according to Scripture light, and Lawes, and Orders, agreeing therewith. And nothing shall be concluded, and passe as an Act of the General Court (unlesse in cases expressly excepted) but by the consent and Vote of the Major part of the Magistrates, together with the consent and Vote of the greater part of the Deputies.

Acts 19. 36.
39.

Secondly there shall be a Court, called the Court of Magistrates wherein all the Magistrates for the Jurisdiction, shal meete and sitt at *New-haven*, at least twice a year; namely, the Second day of the weeke, Commonly called Munday, before the Court of Elections in the Third Month called *May*, and the third fourth day in the weeke commonly called Wednesday, in the eight month called *October*, to heare examine and determine, all weighty and Capitall causes Civill, and Criminall, above those limited to Plantation Courts, And to receive, and try all Appeales duely brought unto them, from plantation Courts, and to call all the Inhabitants, Freemen, planters, and others to account for breach of any Lawes, or Orders, Established, or for other misdemeanours, and to censure them, as the quality of the Offence shall require, in which meetings of the Magistrates, lesse then foure Magistrates, shall not be accounted a Court, nor shall they carry on any buisnesse as a Court of Magistrates. But it is expected, and required, that all, and every of the Magistrates for this Jurisdiction, doe constantly attend the Publick Service; at every Court of Magistrates, whether fixed, or upon speciall occasion duely Summoned, either by the Governor, or in his absence, by the Deputy Governor, or in their absence, by any two Magistrates of this Jurisdiction, [15] ¶ and if any of them (having had due warning) be absent at the first sitting of any such Court, or after without leave depart, or disorderly absent himselfe from the service, before the Court be finished, he, or they shall pay for every such default, twenty shilings fine to the Jurisdiction, or more as the case may require, unlesse some providence of God (whereof the Court of Magistrates shall from time to time judge) did necessarily cause the same, and all Sentences in this Court, shall passe by the Vote of the Major part of the Magistrates present, onely the Governor, and in his absence the Deputy Governor, when Votes in other respects are equall, shall in this Court, and when they or either of them, sitt in a Plantation Court, have a casting Voyce, but from this Court, appeales and complaints may be made, and brought to the Generall Court, the Plaintiff in point of security, first duely attending the Law of Appeales.

Thirdly beside the Generall Court, and Court of Magistrates, for the ease of the Inhabitants, there shall be Plantation Courts, to heare and determine inferiour causes, which Courts may be of two sorts, namely in every Plantation within this Jurisdiction, where there is a Magistrate, one, or more, the Freemen from among themselves, shall choose at least two Deputies, but three or fower if they see cause, to assist the Magistrate, or Magistrates, and in such Courts they may try any Civill cause betwixt party and party, in valew not exceeding twenty Pounds, and any Criminall cause, when the punishment by

Scripture Light, exceeds not stocking, and whipping, and if the fine be pecuniary, when the fine exceeds not five Pounds, and in all such Courts, the Sentence shall passe according to the Vote of the Major part of the Court, onely when Votes in their number are equall, the casting Voyce shall be in the Governor, or Deputy Governor, or Magistrates present. But to expedite justice with as little inconvenience as may be to Magistrates more remote, it is agreed, and Ordered, that any such Plantation Court, calling in two other Magistrats, from any other neighbouring Plantation, or Plantations, within this Jurisdiction, may try any civill cause, though of the highest Valew, and any Criminall cause, provided it be not Capitall, extending to the life of the Offendor, but in such Plantations, if the Magistrate upon any occasion be absent, the Deputies alone have no such power of Judicature, [16] onely to prevent || inconveniences, they may order the Marshall to stay any Malefactor or suspicious person, or seize, or stop the estate of any man, or part of it, upon case shewn, when the case will not admit delay, till the Magistrate come home, provided that sufficient security be taken of him, or them, causing such stay or seizure, to pay just damages, if the proceedings prove unwarantable, and in case of remove, or death of such Magistrate, the Deputies fall in with other Plantations, where there is no Magistrate, till further Order be taken, and in such Plantations Deputies being Chosen, either by the Generall Court, or with their allowance, by the freemen from among themselves, they may keepe Courts to issue smaller causes, and to order other affaires, in all respects, as the General Court shall from time to time appoint and limit, but from all these Courts, and in all tryals, and proceedings in them, Appeals and complaints may be brought to the Court of Magistrates, the Plaintiff putting in security, according to the Law of Appeales.

These Generalls were at first laid, as a foundation for Government, though it was foreseene, and agreed, that the Circumstantialls therein, such as the Ordinary, and fixed times both for Elections, and for the meeting of the Generall Court, and Court of Magistrates, how oft, and when they shall sit, the fines for absence, or disorderly departing, and the Valew of causes to be tryed in Plantation Courts, with other particulars in their proceedings might after be further considered, continued or altered, as may best suite the course of justice, and the convenience of the Plantations.

Certaine Lawes, Liberties, and Orders, made, granted, and established, at severall times, by the Generall Court of New-haven Colony, for and to the Inhabitants of that Jurisdiction, now Collected, and further Published, for the use of such as are concerned in them, wherein they have made use of the Lawes published by the Honourable Colony of the Massachusetts.

IT is Ordered by this Court, and the Authority thereof, that no mans life, shall be taken away, no mans honour, or good name, shall be stained, no mans person shall be imprisoned, banished, or otherwise punished, no man shall be deprived of his wife, or children, no mans

goods, or estate shall be taken from him, under colour of Law, or [17] Countenance of Authority, unlesse it be by vertue, || or equity of some expresse Law of this Jurisdiction, established by the Generall Court, and sufficiently published, or for want of a Law in any particular case, by the word of God, either in the Court of Magistrates, or some Plantation Court, according to the weight and valew of the cause, onely all Capitall causes, concerning life or banishment where there is no expresse Law, shall be judged according to the word and Law of God, by the Generall Court.

That no man shall be put to death, for any offence, or misdemeaour in any case, without the testimony of two witnesses at least, or that which is Equivalent thereunto, provided, and to prevent, or suppress much inconvenience, which may grow, either to the publick, or to particular Persons, by a mistake herein, it is Ordered, and declared, by the Authority aforesaid, that two, or three single witnesses, being of competent age, of sound understanding, and of good Reputation, and witnessing to the case in question (whither it concerne the publick peace, and welfare, or any one, and the same particular person) shall be accounted (the party concerned, having no just exception against them) sufficient prooffe, though they did not together see, or heare, and so witness to the same individuall, and particular Act, in reference to those circumstances of time, and place.

ACTIONS.

IT is ordered by this Court and the Authority thereof, that every person impleading another, in the Court of Magistrates, or in any Plantation Court, when the debt or damage he demands, or the action he layeth, is above twenty pounds, so that it cannot be tryed by a Plantation Court, unless two Magistrates of some other Plantation, be called in to assist, he shall pay the sum of ten shillings, before his case be entred, or any part of it heard, unlesse the Court see cause to admit the Plaintiff to sue, *in forma pauperis*. But in all Actions, brought to any Court, the Plaintiff shall have Liberty to withdraw his action, or to be non suited, before Sentence passe, in which case, he shall alwayes pay full cost and charges to the defendent, and may after renew his Suite at another Court.

Age.

It is Ordered, &c. that the age for passing away of Lands, or such kinds of Hereditaments, or ingagements of like nature, as for [18] || giving of Votes, passing Sentences in publick meetings, Civil Courts, or Causes, shall be at least twenty and one years, but in cases admitting the choyce of Guardians, any age above fourteen may be sufficient.

Appeales.

It is Ordered, &c. That if any man cast, or sentenced in his Cause, be unsatisfied with the proceedings and issue, it shall be in his liberty (the cause not being criminall) to make his Appeal from any Plantation Court, to the Court of Magistrates; and in like case, from the Court of Magistrates, to the General Court. But in such case, when

the Magistrates, or some of them, have already exprest themselves, to prevent difference and inconvenience, it is Ordered, That the major part of the General Court, consisting of Magistrates and Deputies, taken joynly shall issue it. But to prevent, or provide against unnecessary trouble to Courts, charge to the Jurisdiction, and other inconveniencies which may follow, if the course of Justice be delayed, or evaded, it is further Ordered, That whosoever shall so Appeal, doe tender his Appeal, and put in sufficient security before the Judges of the Court, from which he Appeales, the Secretary or other person, or persons Authorized to admit Appeals, effectually by himself, his Deputy or Attorney to prosecute his Appeal, at the next usuall fixed time of that Courts sitting, to which the Appeale is made; and to observe, perform, and pay to the Defendant, as shall be there adjudged; but every such Appeal shall be entred, and security as before put in, within three dayes after sentence in the cause was given, and the same at the charge of the party appealing, to be recorded, and certified to the Court, unto which the Appeale is made. And lastly, it is Ordered, that if in the review it appear, the Plaintiff had no cause to Appeale, Petition, or complain, he shall pay such further charge, as the Court shall judge hath been expended in their sitting to re-examine his cause, that no unnecessary charge fall upon the Colony. Exo. 22. 9.

Appearance. Non-appearance.

It is Ordered, &c. That no man shall be punished for not appearing at or before any Civil Assembly, Court, Magistrate, or Officer, nor for omission of any Office or service, to be performed in his own person only, if he shall be necessarily hindred by any apparent providence of God, which he could neither foresee, nor avoid, and by giving or sending notice, hath done what was in his power. Provided, That this Law shall not prejudice any person of his just cost and damage, in any civil action.

Arrests. see Imprisonment.

Attachments. See further in the Title Distresse.

It is Ordered, &c. That no Attachment shall be granted in any civil action to any Forraigner, against a settled Inhabitant of this Jurisdiction, before he hath given sufficient security, or caution, duly to prosecute his Action, and to answer the Defendant such costs and damages, as the Court shall award. And it is further Ordered, That in all Attachments of Goods and Chattels, of Lands or Hereditaments, whether by Forraigners, or settled Inhabitants, legall notice shall be given to the party concerned, or left in writing at his house, or place of usuall abode, before the suit proceed; but if he be out of the Jurisdiction, the cause shall proceed to tryall, but Judgement shall not be entred till another Court at least a month after. And if the Defendant doe not then appear, Judgement shall be entred, but execution shall not be granted before the Plaintiff hath given sufficient security to be responsall to the Defendant, if he shall reverse the Judgement within one year, or such further time as the Court shall see cause to Order.

BAKERS.

IT is Ordered, &c. That every person within this Jurisdiction, who shall bake Bread for sale, shall have a distinct mark for his Bread, and keep the true assizes hereafter expressed and appointed.

When Wheat is ordinarily sold by the bushell, at the severall Rates hereafter mentioned, the penny white loaf, penny wheaten loaf, and penny household loaf shall weigh severally and respectively by *aver dupoyse* weight as followeth.

s.	d.	the	When the bushell of wheat is	
at 3	0	penny white loaf	11½ ounces, wheaten	17½ ounces, household 23 ounces.
at 3	6	penny white loaf	10½ ounces, wheaten	15½ ounces, household 20½ ounces.
at 4	0	penny white loaf	9½ ounces, wheaten	14 ounces, household 18½ ounces.
at 4	6	penny white loaf	8½ ounces, wheaten	12½ ounces, household 16½ ounces.
at 5	0	penny white loaf	7½ ounces, wheaten	11½ ounces, household 15½ ounces.
at 5	6	penny white loaf	7 ounces, wheaten	10½ ounces, household 14½ ounces.
at 6	0	penny white loaf	6½ ounces, wheaten	10 ounces, household 13 ounces.
at 6	6	penny white loaf	6 ounces, wheaten	9½ ounces, household 12½ ounces.

[20] ¶ And so proportionably under the penalty of forfeiting all such Bread, as shall not answer the forementioned severall Assizes. And for the better execution of this Order there shalbe in every Plantation, as occasion may require, an Officer yearly chosen, who shal be sworn at the next Plantation Court, or by the next Magistrate, or Officer for taking Oaths, unto the faithfull discharge of his Office, who is hereby authorized to enter into any house, either with the Constable, or Marshall, or without, where he understands that any Bread is baked for sale, and to weigh such Bread, as often as he seeth cause: and after once notice, or warning, to seize all such bread as he findeth defective in weight, or not marked according to this Order. And all such forfeitures shall be divided, one third part to the Officer for his care and paines, and the rest to the poor of the place.

Lev. 19. 36.
Pro. 11. 1.
& 20. 10.
Deu. 25. 15.
Am. 8. 5. 6.

Ballast.

It is Ordered, &c. That no Ballast shall be cast out of any Ship or other Vessel in the Channel, or other place inconvenient, in any Harbour within this Jurisdiction, under the penalty of ten pounds to be levied upon the Owners, Mariners, Seamen, or others offending, to the use of the said Plantation. The ship or vessel to be stayed till payment be made.

Barratry.

It is Ordered, &c. That if any person be proved, and judged a common Barrater, vexing others with unjust, frequent, and troublesome suites, it shall be in the power of any Court, both to reject his cause, and to punish him for his Barratry.

Pro. 6. 19.
16. 28.
26. 21.

Bills and Specialties.

It is Ordered, &c. That any debt, or debts, due upon Bill, or other specialty, being duly assigned to another, shall be as good a debt, and estate to the Assignee, as it was, or could be, to the Assigner. And that it shall be lawfull for the said Assignee to sue for, and recover the said debt, due upon Bill, or other Specialty, and so assigned, as

fully as the Original Creditor might have done. Provided the Assignation be either made upon the back of the Specialty, or to the Court some other way cleared, that future questions may be stopped, or duly answered.

Burglary, and Theft.

It is Ordered, &c. That if any person shall commit Burglary, or break up any dwelling-house, or any thing equilant, or rob any [21] || person by force, or by using any threatning gestures, or other actions, in the fields, high-ways, or other place, the party so offending, shall for the first offence (beside such restitution and damage as the Court to which the cognizance belongs, shall see cause to order) be branded on the right hand with the Letter (B) if he shall offend in the like kind a second time (beside restitution and damage) he shall be branded on the left hand, and also be severely whipt; and if he fall into the like offence the third time, (beside restitution and damage out of his estate) he shall be put to death as incorrigible. And if any person shall commit such Burglary, or so rob in any place on the Lords day, he shall (beside restitution and damage) for the first offence, be burnt on the right hand, as before, and severely whipt; for the second offence, he shall be burnt on the left hand, stand on the Pillory, be severely whipt, and wear a halter in the day time constantly and visibly about his neck, as a mark of infamy, till the Court of Magistrates see cause to release him from it; but if he fall into the same offence the third time, he shall be put to death as incorrigibly unrighteous, and presumptuously profane. Zech. 13. 6.
Judg. 18. 7.

And to prevent or suppress other thefts, and pilfrings, it is Ordered, That if any person shall be taken, or proved to have stollen, assisted, or any way have been accessory to the stealing of any Cattel of what sort soever, or Swine, he shall by way of forfeit make such restitution to the owner, as the Court considering all circumstances, shall judge most agreeable to the word of God. And if any person shall be proved to have stollen any Goods of what sort soever, out of any mans dwelling-house, Warehouse, Barn, or other Outhouse, or left out in Court, Yard, Garden, Orchard, High-way, from the Waterside, or out of any Boat or Vessel, or other place, or to have robbed any Garden, or Orchard, or stollen, or hurt, any grafts, or fruit-trees, or fruit, he shall forfeit and pay double damages to the owner, beside such further fine and punishment, as the Court considering all aggravating circumstances of time, manner &c. shall judge meet. If the thief in any part of the premisses be not able to make restitution (if the case require it) he is to be sold for a servant, till by his labour he may make due restitution. And if any Children, or Servants, who cannot pay for themselves, shall transgresse, and trespass in any part [22] of the premisses, if their Parents or Masters || will not pay the penalty for them, they shall be publickly whipt, or further proceeded against as the case may require, and all Servants, and workemen, imbezeling pilfring or stealing the goods of their Masters, or such as set them on worke, shall make such Restitution, and be liable to all Lawes and penalties as other men, and if any person shall be proved to pilfer or Numb. 15.
80. 31.
Ex. 22. 1.
to 5.
Ex. 22. 3.

steals a second or third time, his punishment shall be increased by whipping or otherwise, as the Court shall see cause.

And forasmuch as small thefts, trespasses, or other offences of a Criminall nature, are sometimes committed by the *English* or others in Townes or places remote from Prisons, or it may prove inconvenient to defer the Tryall, or to make stay of the persons offending, or hard to get security for appearance at a Court, it is therefore Ordered, that any Magistrate, or Deputy intrusted to assist in Judicature, calling in such other help as the place affords for a Plantation Court (which help is hereby required to attend the service upon due warning) may upon complaint brought to him, when the case so requires, with the first conveniency, heare, and upon due prooffe determine any such offence (the valew whereof either in point of fine, damage, or other punishment exceeds not the limits of that Plantation Court, according to the Lawes here established) and may give warrant to the Marshall, or other Officer, for answerable execution, but if the offendor refuse to pay or have nothing to satisfie, the Magistrate, or Deputy with the help aforesaid, may punish by stocking, whipping, or otherwise; according to the nature of the offence, and import of this Law.

Capitall Lawes.

IT is Ordered, &c. That if any person after legall, or other due conviction, shall have, or worship any other God, but the Lord God, he shall be put to death, *Exod.* 22. 20. *Deut.* 13. 6. 10. *Deut.* 17. 2, 3, 4, 5, 6.

If any person be a Witch, he or she shall be put to death, according to *Exod.* 22. 18. *Levit.* 20. 27. *Deut.* 18. 10, 11.

If any person within this Jurisdiction, professing the true God, shall wittingly and willingly presume to blaspheme the holy name of God, Father, Son, or Holy Ghost, with direct, expresse, presumptuous, or high-handed blasphemy, either by willfull or obstinate denying the [23] true God, or his Creation, or Government of ¶ the world, or shall curse God, father, Son, or Holy ghost, or reproach the holy Religion of God, as if it were but a politick device to keep ignorant men in awe; or shall utter any other kind of blasphemy of like nature, and degree, such person shall be put to death. *Lev.* 24. 15, 16.

If any person shall commit any wilfull murder, if he shall kill any man, woman or child, upon premeditated malice, hatred, or cruelty (not in a way of necessary and just defence, nor by meer casualty against his will) he shall be put to death. *Exod.* 21. 12, 13.. *Numb.* 35. 31.

If any person slayeth another suddenly in anger, or cruelty of passion, he shall be put to death, *Levit.* 24. 17. *Numb.* 35. 16, 17, 18, 19, 20, 21.

If any person come presumptuously to slay another with guile, whether by any kinde of force, Poyson, or other wicked practice, every such person shall be put to Death. *Exod.* 21. 14. Agreeing with *Deut.* 19. 19. By parity of Reason.

If any man or woman, shall lye with any beast, or brute creature

by carnall Copulation, he, or she, shall surely be put to death, and the beast shall be slaine, buried, and not eaten. *Levit.* 20. 15, 16.

If any man lyeth with mankinde, as a man lyeth with a woman, both of them have Committed abomination, they both shall surely be put to death. *Levit.* 20. 13. And if any woman change the naturall use, into that which is against nature, as *Rom.* 1. 26. she shall be liable to the same Sentence, and punishment, or if any person, or persons, shall Commit any other kinde of unnaturall and shamefull filthines, called in Scripture the going after strange flesh, or other flesh then God alloweth, by carnall knowledge of another vessel then God in nature hath appointed to become one flesh, whether it be by abusing the contrary part of a grown woman, or Child of either sex, or unripe vessel of a Girle, wherein the naturall use of the woman is left, which God hath ordained for the propagation of posterity, and Sodomiticall filthinesse (tending to the destruction of the race of mankind) is committed by a kind of Rape, nature being forced, though the will were inticed, every such person shall be put to death. Or if any man shall act upon himself, and in the sight of others spill his owne seed, [24] by example, or counsel, or both, corrupting or tempting || others to doe the like, which tends to the sin of Sodomy, if it be not one kind of it; or shall defile, or corrupt himself and others, by any other kind of sinfull filthinesse, he shall be punished according to the nature of the offence; or if the case considered with the aggravating circumstances, shall according to the mind of God revealed in his word require it, he shall be put to death, as the Court of Magistrates shall determine.* Provided that if in any of the former cases, one of the parties were forced, and so abused against his or her will, the innocent person (crying out, or in due season complaining) shall not be punished, or if any of the offending parties were under fourteen year old, when the sin was committed, such person shall onely be severely corrected, as the Court of Magistrates considering the age, and other circumstances, shall judge meet. *Jude* 7. *Gen.* 38. 9. *Deut.* 22. 25, 26.

If any man married, or single, commit Adultery with a married or espoused wife, the Adulterer and Adulteresse shall surely be put to death.† *Lev.* 18. 20. *Lev.* 20. 10. *Deut.* 22. 23, 24.

If any person steale a man, or mankiud, that person shall surely be put to death, *Exod.* 21. 16.

If any person rise up by false witsnesse, wittingly and of purpose to take away any mans life, that person shall be put to death. *Deut.* 19. 16, 18, 19.

If any person shall conspire, and attempt any invasion, insurrection, or publick Rebellfon against this Jurisdiction, or shall endeavour to surprize, or seize any Plantation, or Town, any Fortification, Platform, or any great Guns, provided for the defence of the Jurisdiction, or any Plantation therein; or shall treacherously and perfidiously attempt the alteration and subversion of the frame of policy, or funda-

* Occasioned by W. Plaines case, in 1646. see Winthrop, ii. 226. 324

† From the New Haven Town Rec. ii. p. 23, we learn incidentally that in the latter part of May, or beginning of June, 1660, there was one executed for adultery.

mentall Government laid, and settled for this Jurisdiction, he or they shall be put to death. *Num.* 16. 2 *Sam.* 18. 2 *Sam.* 20. Or if any person shall consent unto any such mischievous practice, or by the space of foure and twenty houres conceale it, not giving notice thereof to some Magistrate, if there be any Magistrate in the Plantation, or place where he liveth, or if none, to some Deputy for the Jurisdiction, or to the Constable of the place, that the publick safety may be seasonably provided for, he shall be put to death, or severely punished, as the Court of Magistrates weighing all circumstances shall determine.

[25] ¶ If any Child, or Children, above sixteen year old, and of competent understanding, shall curse, or smite, his, her, or their naturall father, or mother, each such Child shall be put to death, *Exod.* 21. 17. *Levit.* 20. 9. *Exod.* 21. 15. unlesse it be proved, that the Parents have been very unchristianly negligent in the education of such Child, or Children, or so provoked them by extream and cruell correction, or usage, That they have been urged or forced thereunto, to preserve themselves from death or maiming.

If any man have a stubborn Rebellious Son, of sufficient Age and understanding, namely sixteen year old, or upward, which will not obey the voyce of his father, or the voyce of his mother, and that when they have chastned him, will not hearken unto them, then shall his father and his mother (being his naturall Parents) lay hold on him, and bring him to the Magistrates assembled in Court, and testifie unto them, that their Son is stubborn and rebellious, and will not obey their voyce and chastisement, but lives in sundry notorious crimes; such a Son shall be put to death, *Deut.* 21. 18, 19, 20, 21.

If any man shall ravish any maid, or single woman, who is above the age of ten years, committing carnall copulation with her by force, against her own will, he shall be severely and grievously punished, as the Court of Magistrates considering all circumstances shall determine.

Caske and Cooper.

Deut. 25. 15. It is Ordered, &c. That all Cask, whether Pipes Hogsheads, Barrels, quarter Cask, or other sorts used in Trade, whether for any
Mic. 6. 10. Liquor, Fish, Pork, Beef, or other Commodity put to sale, shall be of London Assize. And that in each Plantation within this Jurisdiction, where Cask is made or used for Trade, the Plantation Court, or the Constable, with the present or last Deputies for the Generall Court, where there is no Plantation Court, shall from time to time appoint some fit person, or persons, to view and gage all such Vessel or Cask: and such as shall be found of due Assize and made of sound, and well seasoned stuffe, (and none but such shall be marked with the Gagers mark) who shall have for his paines eight pence for every Tun, and proportionably for what he so marketh. And every Cooper shall have, and set a distinct brand-mark of his own, upon each Cask, [26] upon ¶ paine of forfeiting after the rate of twenty shillings a Tun, for what he sells, either without the Gagers mark, or not marked with his own constant brand mark.

Cattell, Corn, Fields, Fences.

To prevent, or remedy much inconvenience, and many differences which may grow about Fencing, Planting, Sowing, Feeding, and improving of common fields, inclosed for Corn, or other necessary use, it is ordered, That every person interested in any such field shall from time to time, make and keep his part of the Fence, sufficiently strong and in constant repaire, according to all Orders in force in each Plantation, to secure the Corn, and other fruits therein. And shall not put, cause, or permit any Cattell to be put in, so long as any Corn, or other fruit shall be growing, or remain upon any part of the Land so inclosed. Unlesse by some generall expresse agreement of such as are interested. And if at any time the owners or occupiers of any such inclosed Land cannot, or doe not agree, in any part of the premises, It is Ordered, That upon due and seasonable notice given to the select men or Towns men, appointed for prudentiall affaires, proper to their care and trust, by any concerned, and unsatisfied, they shall appoint a convenient time to hear and order such differences, and settle a due way of fencing, improving, and preserving such fields, and the fruits of them. And whosoever shall oppose or transgresse, shall be liable to all damages proved to grow thereby, and to such further fine for breach of Order, as the Plantation Court, or Authority there settled for such purposes, shall judge meet. But in any Plantation, where there are yet no such select, or Towns men, the Freemen from among themselves, shall yearly choose a convenient number to order such occasions, that peace and righteousness may be the better preserved therein. And these select, or Towns men, shall from year to year appoint one, two, or more, of the Planters, for all or each common field, belonging to the Plantation where they dwell, to view the common Fences within their trust and to take due notice of the reall defects and insufficiency thereof, and shall forthwith acquaint the owners with the same. And if the said owners or occupiers doe not at furthest within six working dayes, or sooner if the said select men see cause, and so appoint, sufficiently repaire, or cause the same to be [27] repaired, he, or they, shall forthwith upon the demand of the appointed Viewer or Viewers (beside other just damages) pay as a fine to the Plantation, twelve pence for every Rod (if there be a considerable quantity of such defective Fence together) or for every single defect, in such faulty Fence, or the said Viewer or Viewers, taking due witnesse of the defects, may if it suite their conveniency forthwith repaire or renew them, or cause them to be repaired or renewed, and shall have double recompence for the same, to be paid (beside other just damages) by the owners, or occupiers of the said insufficient Fence, or Fences. And in either case if payment be denyed or delayed, such Viewer, or Viewers, shall have Warrant from the said select men, directed to the Marshall, or Constable, to levy the same forthwith upon the estate of the Delinquent.

And when Lands lye in Common unfenced if one man shall improve his Land by fencing in severall, and others, one, or more shall not, he who shall so improve, shall secure his Land from other mens Cattell (unruly Cattle excepted) who shall compell no man to make any

Fence with him, except he also improve in severall, and where one man shall improve before his neighbour, and so make the whole Fence, if his said neighbour shall after improve, he shall then satisfie for half the others Fence against him, according to the present value, and shall maintaine the same: And if the said first man shall after lay open his said field, or land, then the said Neighbour shall both enjoy his said half Fence so purchased, and shall have liberty to buy the other half Fence against his Land, paying according to the present worth as it shall be rated by two men indifferently chosen. And the like Order shall be, when any man shall improve Land, against, or adjoining to a Town Common. Provided this extend not to house-lots, in which, if one shall improve, his neighbour or neighbours shall be compellable to make, and maintaine one half of the Fence between them, whether he or they improve, or not. Provided also, that no man shall be liable to damage done in any ground not sufficiently fenced, and himself not interested in the defective Fence, or some part of it, except the damage were done by prohibited or unruly Cattel of any sort (in which Swine are included) which cannot be restrained by ordinary Fences, or where any shall unwarrantably put in Cattel, of what sort, or under what colour or pretence soever, or otherwise willfully trespasse upon his neighbours ground.

[28] || It is further Ordered, That whatsoever Swine, or greater Cattel (Horses excepted, which are particularly mentioned hereafter) shall be found in the Woods, or Commons unmarked, are lyable to Poundage, and being either Pounded, or otherwise prosecuted and proved, the Owner shall pay for each Swine unmarked, three shillings and four pence, of which half the fines to the Pounder, or Prosecutor, and the rest to the Plantation. And for each of the greater sort of Cattel, six shillings, whereof half shall be Ordered to the Pounder, or Prosecutor, and the rest to the Plantation; but if the owners be not known, or found, then every such Swine or Beast of a greater kind, to be duly cryed, that the owner may take notice, claim his interest, and pay the fine, and charges; but if yet no owner be found, then after due apprise-ment by indifferent men chosen by Authority in the place, and the same recorded by the Secretary, sale to be so far made, that the fine and charges may be fully paid, and the remainder kept by the Treasurer, till the owner be knowne, And the rest of such Swine, or Cattel, being first marked with a publick Town mark, or brand, with some distinction from the mark of particular men, to be again turned into the woods.

Lastly, it is Ordered, That no owner of Cattel, of what kind soever, after knowledge, or notice given, that any Cattel of his, whether Horse, other Beast, or Swine, is unruly in respect to fences, shall suffer any such to goe at liberty, either in Common, or against Corn fields, or other impropriate enclosed grounds fenced as aforesaid, but shall either constantly keep them upon his own ground, within sufficient fences, all his own, or put and keep upon each of them, such shackles and fetters, or yoaks and rings, as may sufficiently from time to time, restrain and prevent trespasse, or shall pay all damages and charges, whether in Corne, or other fruits, with hurt in fences, expence

of time, and help in catching, Pounding, driving out, and bringing home, any such unruly Cattel, of what kind soever, with such further fine for breach of Order, and Court charges, if the Plaintiff be put to recover it that way, as the Court shall judge meet.

Charges publick.

That publick charges may be defrayed in a ready and just way, it is Ordered by this Court, and the Authority thereof, That in each [29] Plantation within this Jurisdiction, the select or Towns || men,* or some others thereunto deputed, doe yearly the first week of the third month called May, require, procure, and make a full and just List of all the male persons within their limits, from sixteen years old, and upwards; and a true estimation of all personall and reall estates, being or reputed to be the estate of all, and every the persons belonging to the Plantation, or in their present possession, viz. of Houses, Lands of all sorts, Meadow and upland, as well unbroken up, as other (except such as doth and shall lye common for free feed of Cattel at all times to the use of the inhabitants in generall) Mills, Ships, and all small Vessels, merchantable Goods, Cranes, Wharfs, and all sorts of Cattel and other estate (houshold stuff, and Goods of that kind, provided and kept for that use, and not for Trade, onely excepted, whether at Sea, or on shoar, with a due consideration and estimate of the advantage men may have by their severall and respective Arts, or Trades. Which List, and particular account, of males and estates in reference to Rates, shall by the Deputies chosen by each Plantation, and sent to assist at the Generall Court, be presented yearly when they sit, in the latter end of May, under such penalty for default, as the Court considering the hindrance in the Jurisdiction affaires, shall see cause to inflict. All which persons and Estates, are to be assessed and rated, by such as are thereunto appointed, for one single rate, as followeth, viz. Every male person above sixteen years of age (except Magistrates and Elders of Churches) at twenty pence by the head, and all estates both reall and personall, at one penny for every twenty shillings. And that Houses (wherein there is much difference) may be the more equally rated, according to their worth, it is Ordered, That the Deputies from the severall Plantations within this Jurisdiction now assembled at this Generall Court, doe before their return, rate two Houses in *New-haven*, which shal be as patterns for the other Plantations to rate by. That all Lands, whether Meadow, or upland, and whether the upland be better, or worse, broken up, or not, (except it lye common as before) be rated at twenty shillings an Acre, and for that a considerable part of mens estates in these parts, lyeth in Cattel, to avoyd many Questions which may grow about their age, it is Ordered, That all sorts of Cattel from year to year, though any of them should not be a year old till the last of July, yet in reference to Rates, [30] be accounted, || and pay as if they were a year old the first of May. And in like manner for two years old, or elder; and in lieu

* It seems that Townsmen were chosen in New Haven for the first time, November 17, 1661, that the town meetings, "wch spends the towne much time, may not be so often." Town Rec. ii. 76.

thereof, Cattel though near 3 quarters of a year old the first of *May*, shall not be Rated, and Cattel of a year and almost three quarters, shall be Rated but a year old, and so upward. And it is further Ordered, That till this Court find some considerable alteration in prises, every Cow of four year old (the age reckoned as before) or upward, shall be Rated at five pounds, every Heifer, or Steer, three year old, reckoned as, before, at four pounds; and betwixt two and three years old, at fifty shillings; and of one year old, thirty shillings. Every Ox, and Bull of four year old, or upward, at six pounds; every Horse of three year old (after the former account) or more, shall be valued at ten pounds; every Mare of three year old, or upward, at twelve pounds; those of two year old, or upward, according to the former account, whether Horse, or Mares, each of them at five pounds ten shillings; and those of three quarters of a year old, or above, till they come to be a year and three quarters, shall be Rated at three pounds and ten shillings; every yew sheep of a year old, or above, at thirty shillings; every weather sheep, or Ram, of a year old, or above, at sixteen shillings; every Goat of a year old, or above, at eight shillings; every Swine of a year old, or above, at twenty shillings; every Asse of a year old, or above at forty shillings. And all Hey, and Corn in the husbandmans hand, is hereby exempted from Rates, because all Meadow, Arrable Land, and Cattle, are Rateable as aforesaid. And for all such persons, as by the advantage of their Arts and Trades, are more enabled to bear publick charges, then Common Labourers and Workmen, as *Butchers, Bakers, Victuallers, Smiths, Carpenters, Taylors, Shoemakers, Joyners, Barbers, Millers, Masons*, with other Artists, such are to be rated for their returns and gains in proportion to other men, for the produce of their estates. Provided that in the Rate by the Poll, such persons as are disabled by sickness, lameness, or other infirmity, shall be so long exempted. And for such Servants and Children, as take not wages, their parents and Masters shall pay for them; but such as take wages, shall pay for themselves. And it is Ordered, That all Rates assessed by this Court, be duly paid in, to the Jurisdiction Treasurer, at such time, or times, in such pay, and at such prises, as this Court shall appoint, and under [31] such penalties for default, as shall from time to time be Ordered. And power is hereby given and granted to each Plantation within this Jurisdiction, to gather all Rates from time to time, from the severall inhabitants, as they grow due; and for want, or delay of payment in an orderly way, to distreyn within their own limits, to prevent further inconveniences. But that the Jurisdiction suffer not by the neglect or delay of any Plantation, or Plantations herein, It is further Ordered, That at any time hereafter, upon the complaint of the Jurisdiction Treasurer, any Magistrate may send the Marshall alone, or with others to distreyn the Cattel, Corn, or any other Goods belonging to any of the Inhabitants within such Plantation, as shall be defective in the payment of Rates due, for the whole sum behind and unpaid, with addition of all penalties incurred, and due charges for the Marshall, and others employed in seizing, and bringing away such distresse, every inhabitant in such case, having liberty to require, and recover his

damage, from the Plantation, or Officers, there intrusted for Civil affaires, according to Justice. Provided that if any person now, or hereafter, having taken up a Lot, or Lots in any Plantation, be removed, or shall withdraw himself, and his moveable estate, or any considerable part of it, still keeping such Lot, or Lots, in his own possession, or power, without due improvement, by which means the Plantation wants his personall service, besides other inconveniences, It is hereby Ordered, That in such case, every such person shall in all respects, pay his Rates by Lands only, as was Ordered, and done before Rating by heads, and estates, but in due proportion to a whole Rate, as then it was. And if the Plantation find no other means to recover the said Rates, they may distreyn Houses, or Lands, or both, upon a true account, that what advantage they shall make, by selling or letting the same, or any part thereof, over and above what is due for the said Rates, with just damages, and necessary charges, shall be returned to the Owner, if he demand the same, within three years.

Childrens Education.

[32] || Whereas too many Parents and Masters, either through an over tender respect to their own occasions, and businesse, or not duly considering the good of their Children, and Apprentices, have too much neglected duty in their Education, while they are young, and capable of learning, It is Ordered, That the Deputies for the particular Court, in each Plantation within this Jurisdiction for the time being; or where there are no such Deputies, the Constable, or other Officer, or Officers in publick trust, shall from time to time, have a vigilant eye over their brethren, and neighbours, within the limits of the said Plantation, that all parents and Masters, doe duly endeavour, either by their own ability and labour, or by improving such Schoolmaster, or other helps and means, as the Plantation doth afford, or the family may conveniently provide, that all their Children, and Apprentices as they grow capable, may through Gods blessing, attain at least so much, as to be able duly to read the Scriptures, and other good and profitable printed Books in the English tongue, being their native language, and in some competent measure, to understand the main grounds and principles of Christian Religion necessary to salvation. And to give a due Answer to such plain and ordinary Questions, as may by the said Deputies, Officers, or others, be propounded concerning the same. And where such Deputies or Officers, whether by information or examination, shall find any Parent or Master, one or more negligent, he or they shall first give warning, and if thereupon due reformation follow, if the said Parents or Masters shall thenceforth seriously and constantly apply themselves to their duty in manner before expressed, the former neglect may be passed by; but if not, then the said Deputies, or other Officer or Officers, shall three months after such warning, present each such negligent person, or persons, to the next Plantation Court, where every such Delinquent upon proof, shall be fined ten shillings to the Plantation, to be levied as other fines. And if in any Plantation, there be no such Court kept for the present, in such case, the Constable or other Officer, or Officers, warning such person or per-

sons, before the Freemen, or so many of them as upon notice shall [33] meet together, and proving the || neglect after warning, shall have power to levy the fine as aforesaid: But if in three months after that, there be no due care taken and continued for the Education of such Children or Apprentices as aforesaid, the Delinquent (without any further private warning) shall be proceeded against as before, but the fine doubled. And lastly, if after the said warning, and fines paid or levied, the said Deputies, Officer or Officers, shall still find a continuance of the former negligence, if it be not obstinacy, so that such Children or Servants may be in danger to grow barbarous, rude and stubborn, through ignorance, they shall give due and seasonable notice, that every such Parent and Master be summoned to the next Court of Magistrates, who are to proceed as they find cause, either to a greater fine, taking security for due conformity to the scope and intent of this Law, or may take such Children or Apprentices from such Parents or Masters, and place them for years, Boyes till they come to the age of one and twenty, and Girles till they come to the age of eighteen years, with such others, who shall better educate and govern them, both for publick conveniency, and for the particular good of the said children or Apprentices.

Conveyances fraudulent.

To prevent or avoyd the mischievous inconveniences which may grow by fraudulent conveyances, and that every man may the better know what estate or interest other men may have in any Houses, Lands, or other Hereditaments which he purposeth to deale in, It is Ordered, That no Morgage, Bargaine, Sale, Grant or Conveyance, made of any House or Houses, Lands, Rents, or other Hereditaments, within this Jurisdiction, where the granter remaines in possession, shall be hereafter in force, against any other person or persons, then the granter and his heirs, unlesse the same be acknowledged before some Court or Magistrate within this Jurisdiction, and Recorded as hereafter expressed. And that no such grant, bargain or sale already made in way of Morgage, &c. where the granter remains in possession, shall be of force against any other but the granter and his heirs, except the same shall be entred (as here expressed) within one month after the [34] first publishing of this Order, if the party || concerned be within this Jurisdiction, or else within three months after he shall return. And if any such Granter be required of the Grantee, his Heirs or Assigns, to make an acknowledgement accordingly, of any grant, sale, bargain, or morgage, by him made, and shall refuse so to doe, it shall be in the power of any Court or Magistrate, to send for the party so refusing, and upon evidence of his injuriousnesse therein, to commit him to Prison, without Baile or mainprize, untill he shall acknowledge the same. And the Grantee in such case is to enter his caution with the Secretary, or other Officer appointed to Record such Deeds, and this shall save his interest in the mean time. But if it be doubtfull whether it be the deed or grant of the party, he shall be bound with Sureties to the next Court of Magistrates, and the caution shall remain good as aforesaid. Lastly, It is Ordered, That in each Plantation,

Gen. 23.
16, 17, 18.
Jer. 82.
10, 11.

1 Thess.
4. 6.

either the Secretary, or some other Officer, be appointed duly to enter and Record, in a Book kept for that purpose, all and every such grants, sales, bargaines, mortgages of houses, Lands, Rents, and other Hereditaments, as aforesaid, with all and every such caution, together with the name of the Granter and Grantee, thing, and Estate granted, with the date thereof; the Grantee paying six pence to the Secretary or Officer, for each such Entry or Record.

Cooper, see Caske.

Courts for Strangers.

For the ease and conveniency of Strangers, who sometimes cannot stay to attend the ordinary Courts of Justice, it is Ordered, That the Governour, Deputy Governour, or any Magistrate within this Jurisdiction, may call a speciall Court, and that in such cases, any three Magistrates, calling in such of the Deputies for the Plantation Court, as may be had, shall have power to hear and determine all causes civil and criminal (triable in Plantation Courts, when two Magistrates are called in) which shall arise betwixt such Strangers; or when any such stranger or strangers, shall be a party, whether Plaintiff or Defendant, the Secretary of the place (as in other ordinary trials) duly Recording the proceedings, all which shall be at the charge of the party, or parties, as the Court shall determine; so that neither the [35] Jurisdiction nor Plantation be charged by such Courts.

Cursing, see Prophane swearing.

Damages pretended, and Vexatious Suites.

It is Ordered, &c. That if any person or persons in any suit, shall falsely pretend great damages or debts, to discredit, trouble, or vex his, her, or their adversary, the Court upon discovery and proof, shall have power to set a reasonable fine upon the head of any such offender; and that in all cases, where it appears to the Court, that the Plaintiff hath willingly and wittingly done wrong to the Defendant, in commencing and prosecuting any Action, Suit, Complaint, or Indictment, in his own name, or in the name of others, he shall beside just damages to the party wronged, be fined forty shillings, or any lesse sum to the Jurisdiction or Plantation Treasury, as the case may require.

Distresse.

It is Ordered, &c. That no mans Corn or Hey that is in the field, or upon the Cart, nor his Garden stuff, nor any thing subject to present decay, shall be taken in Distresse, or by way of Attachment, unlesse it be first duly prized, by Order of some Magistrate, or other Officer; and that he that takes it, first put in due security to satisfie the worth of it, if it come to any harm, with other damages, according to the course of Justice.

Disturbers of the publick Peace.

It is Ordered, &c. That whosoever shall disturb or undermine the Numb. 16. peace of this Jurisdiction, or of any of the Plantations, Churches, Families, or persons within the same, whether by conspiring, or plotting Against the sixt Com- with others, or by his own tumultuous and offensive carriage, traducing, mandement.

reproaching, quarrelling, challenging, assaulting, battery, or in any other way, tending to publick disturbance, in what place soever it be done, or shall defame any Court of Justice, or any of the Magistrates, or other Judges of any such Court within this Jurisdiction, in respect of any Act, or sentence therein passed; every such offender upon due [36] proof made, either ¶ in the Generall Court, Court of Magistrates, or particular Court, (if the tryall, and issuing of the case exceed not their limits) shall be punished by fine, imprisonment, binding to the peace, or good behaviour, disfranchisement or banishment, according to the quality and measure of the offence, or disturbance.

Ex. 22. 28.

Divorce, or a Marriage declared a Nullity.

Desertion, &c.

It is Ordered, &c. That if any married person proved an Adulterer, or an Adulteresse, shall by flight, or otherwise, so withdraw or keep out of the Jurisdiction, that the course of Justice (according to the mind and Law of God here established) cannot proceed to due execution, upon complaint, proof, and prosecution, made by the party concerned, and interested, a separation or Divorce, shall by sentence of the Court of Magistrates be granted and published, and the innocent party shall in such case have liberty to marry again, *Mat. 19. 9.*

And if any man marrying a woman fit to bear Children, or needing and requiring conjugall duty, and due benevolence from her husband, it be found (after convenient forbearance and due tryall) and satisfyingly proved, That the husband, neither at the time of marriage, nor since, hath been, is, nor by the use of any lawfull means, is like to be able to perform or afford the same, upon the wives due prosecution, every such marriage shall by the Court of Magistrates, be declared voyd, and a nullity, the woman freed from all conjugall relation to that man, and shall have liberty in due season, if she see cause, to marry another; but if in any such case, deceit be charged and proved, that the man before marriage knew himself unfit for that relation, and duty, and yet proceeded, sinfully to abuse an Ordinance of God, and in so high a measure to wrong the woman, such satisfaction shall be made to the injured woman, out of the estate of the offendor, and such fine paid to the Jurisdiction, as the Court of Magistrates shall judge meet. But if any husband after marriage, and marriage duty performed, shall by any providence of God be disabled, he falls not under this Law, nor any penalty therein. And it is further declared, That if *Desertion.* any husband shall without consent, or just cause shewn, willfully desert [37] his wife, or the wife her husband, ¶ actually and peremptorily refusing all Matrimoniall society, and shall obstinately persist therein, after due means have been used to convince and reclaim, the husband or wife so deserted, may justly seek and expect help and relief, according to 1 *Cor. 7. 15.* And the Court upon satisfying evidence thereof, may not hold the innocent party under bondage.

Dowries.

It is Ordered, &c. That every married woman (living with her husband in this Jurisdiction, or other where absent from him, with his

consent, or through his meer default, or inevitable providence, or in case of Divorce where she is the innocent party) that shall not before marriage be estated by way of Joynture (according to Agreement) in some Housing, Lands, Tenements, Hereditaments, or other means for term of her life, shall immediately after the death of her husband, have right and interest by way of Dower, in and to one third part of all such Houses, Lands, Tenements and Hereditaments, as her said husband was seized of to his own use, either in possession, reversion, or remainder, within this Jurisdiction, at any time during the marriage, to have and enjoy for term of her naturall life, according to the estate of such husband, free, and freely discharged of and from all Titles, Debts, Rents, Charges, Judgements, Executions, and other Incumbrances whatsoever, had, made, or suffered by her said husband, during the said marriage between them, or by any other person claiming by, from, or under him, otherwise then by any Act, or consent of such wife, as this Court shall ratifie, and allow. And if the Heir of the husband, or other person interested, shall not within one month after lawfull demand made, Assign, and set out to such widow, her just third part with conveniency, or to her satisfaction, according to the intent of this Law, then upon due complaint, and prosecution either before the Court of Magistrates, or Plantation Court, as the case may require, her Dower, or third part, shall be assigned and set forth by such persons as the Court shall appoint, with due costs and damages. Provided that this Law shall not extend to any Houses, Lands, Tenements, or other Hereditaments, sold or conveyed away by any husband *bona fide*, for valuable consideration before this Law was published. And it is further Ordered, That every such wife, as before expressed, immediately after the death of her husband, shall have interest in, and unto, one third part of all such Money, Goods and Chattels, of what kind soever, whereof her husband shall dye possessed, (so much as shall be sufficient for the discharge of his Funerall, and just debts, being first deducted) to be allowed, and set out to her (as before appointed) for her Dower; provided alwayes, that every such widow endowed as aforesaid, shall from time to time, maintain all such Houses, Fences, Inclosures, with what else shall be for her life assigned to her of such Estate, for her Dowry, and shall in all respects leave the same in good and sufficient repaire, neither committing nor suffering any strip, or wast.

Ecclesiasticall Provisions.

FORasmuch as the word of God, as it is contained in the Holy Scriptures, is a pure and precious light, by God in his free and rich grace given to his people, to guide and direct them in safe paths to everlasting peace. And for that the Preaching of the same, in a way of due Exposition and Application, by such as God doth furnish and send, is through the presence and power of the holy Ghost, the chief ordinary means appointed of God for Conversion, Edification, and Salvation, It is Ordered, That if any Christian (so called) shall within this Jurisdiction, behave himself contemptuously toward the word Preached, or any Minister thereof, called, and faithfully dispens-
Acts 18, 10.
with Baza,
his Note
upon it.

and leave or suffer his Land there, or any part of it, to lye unimproved, neither selling it nor freely surrendring it to the Plantation, he shall pay one third part of what he paid before, for his movable estate and Lands also. And in each Plantation where ministers maintenance is allowed in a free way without Rating, he shall pay one third part of what other men of the lowest rank, enjoying such accommodations, doe pay: But if any removing settle near the said Plantation, and continue still to improve his Land, or such part of it as seems good to himself, he shall pay two third parts of what he paid before, when he lived in the Plantation, both for moveable estate, and Land, or two third parts of what others of like accommodation pay.

Escheates.

It is Ordered, &c. That where no Heire, or Owner of Houses, Lands, Tenements, Goods, or Chattels, can be found upon the decease of the late Testator or Proprietor. A true Inventory of every such Estate, in all the parts, and parcels of it, shall with the first convenience be duly taken, and a just apprisement made upon Oath, by fit men thereunto appointed by the Magistrate, or such Authority as at that time is in the Plantation, where the said estate is; and the whole estate to be seized to the publick Treasury, till the true Heires or Owners shall make due claime thereto, unto whom the same shall be restored, upon just and reasonable tearms.

From proportion with that Law in Deut. 22, 1, 2, 3.

Falsifying, see Forgery.

Fences, see Cattell.

Fines, see Rates.

Fire.

IT is Ordered, &c. That whosoever shall kindle any fire in Woods, or Grounds, lying in common, or inclosed, so as the same shall burn Fences, Buildings, or cause any other damage, in any season or manner, not allowed by the Authority in that Plantation, or on the last day of the week, or on the Lords day, such person shall pay all damages, and half so much more, for a fine || to the Plantation, and if not able to pay, shall be corporally punished, as the Court shall judge meet. But whosoever shall wittingly and willingly burn, or destroy any Farm, or other building, Timber hewed, sawn, or riven, heaps of Wood, Charcoal, Corn, Hey, Straw, Hemp, Flax, or other Goods, he shall pay double or treble damages, as the Court shall judge meet; or if not able to make such restitution, he shall be either sold for a servant till by his labour he may doe it, or be severely punished, as the case may require.

Exo. 22, 6.

Forgery, or Falsifying.

It is Ordered, &c. That if any person shall forge or falsifie any Deed or Conveyance, Testament, Bond, Bill, Release, Acquittance, Letter of Attorney, or any Writing to pervert Equity and Justice, he shall stand on the Pillory three severall Lecture dayes, or other dayes of most publick resort, as the Plantation Court or Court of Magistrates (according to the value of the Cause) shall appoint, and shall

It's also a Testimony against the Ninth Commandment.

render double damages to the party wronged; and further, he shall be disabled to give any Evidence to any Court, or Magistrate in this Jurisdiction, till upon his Repentance satisfyingly manifested to the Court of Magistrates, he be by sentence released from it.

Fornication.

Deut. 22,
28, 29.
Exod. 22,
16, 17.

It is Ordered, &c. That if any man shall commit Fornication with any single woman, they shall be punished, either by enjoyning marriage, or fine, or corporall punishment, any, or all these, as the Court of Magistrates, or Plantation Court duly considering the case with the circumstances, shall judge most agreeable to the word of God.

Fraudulent Conveyances,
see *Conveyances.*

[42]

Gaming.

TO prevent much inconvenience which may grow by Gaming, It is Ordered, That no person, who either as an Inn-keeper, or seller of strong Liquors, Wine or Beer, entertaines strangers or others, to lodge, or eat, or drink, shall permit or suffer any to use the Game of Shuffleboard, or any other Gaming within his house, or limits, under the Penalty of twenty shillings for every time so offending. And what ever person or persons shall so play or Game, in any such house, or place, or in any other Gaming house, where there is a common resort to such Play, or Gaming, shall forfeit for every such offence five shillings. And whosoever shall so play, or game for money, or money-worth, shall further forfeit double the value thereof, one half to the informer, and the rest to the Plantation, within the limits whereof he so played or gamed.

Heresie.

2 Cor. ult.
Jam. 4, 12.

2 Pet. 2, 1, 2,
with Deut.
18, 6.

Lev. 18,
8, 6.

Although no Creature be Lord, or have power over the faith and consciences of men, nor may constreyn them to believe, or professe, against their consciences, yet to restreyn, or provide against such as may bring in dangerous Errours or Heresies, tending to corrupt & destroy the soules of men, It is Ordered, &c. That if any Christian within this Jurisdiction, shall goe about to subvert or destroy the Christian faith, or Religion, by broaching, publishing, or maintaining any dangerous error, or Heresie, or shall endeavour to draw, or seduce others thereunto, every such person so offending, and continuing obstinate therein, after due means of conviction, shall be fined, banished, or otherwise severely punished, as the Court of Magistrates duly considering the offence, with the aggravating circumstances, and danger like to ensue, shall judge meet.

[43]

Horses.

Whereas many questions, and sometimes troublesome suites grow betwixt men, about Horses running together in the Woods unmarked, It is Ordered, That each Plantation in this Jurisdiction shall have a marking iron, or flesh-brand, for themselves in particular, to distinguish the Horses of one Plantation from another; namely, *New-haven* an iron made to set on the impression of an H, as a brand-mark, *Milford*

an M, *Guilford* a G, *Stamford* an S, *Southold* an S with an O in the middle of it, *Brainford* a T. Which Plantation brand-mark, is to be visibly and as sufficiently as may be, set upon the near buttock of each Horse, Mare, and Colt, belonging to that Plantation. Beside which, every Owner is to have, and mark his Horse or Horses with his own particular flesh-brand having some Letter, or Letters of his name, or such distinguishing mark, that one mans Horses may be known from anothers. And that in each Plantation there be an Officer appointed, to Record each particular mans mark, and to see each particular mans Horse, Mare, and Colt, branded, and to take notice, and record the age of each of them, as near as he can, with the colour, and all observable marks, whether naturall or artificiall; and what artificiall marks it had before the branding, whether on the ear, or elsewhere, with the year and day of the month when branded. And in each Plantation, the Officer for his care and pains, to have six pence of the owner, for each Horse, Mare, or Colt, so branded and Recorded. And that after the publishing hereof, every one who hath any Horse, or Horses, of what age or kind soever, doe duely attend this Order, at his perill; the Officer also is to require as satisfying evidence of his right, who presents any such Horse, &c. as may be had, or to Record any defect of due Evidence, that a way may be open to other claimes.

Impost upon Wines, and strong Liquors.

FOR the better support of the Government of this Jurisdiction, &c. That every Person, Merchant, Seaman, or other, who shall Rom. 12, 7. bring any Wine into any Harbour, or place within this Colony [44] || (except it come directly from *England*, or out of some other Harbour within this Jurisdiction, where they have already paid Custome, and that certified by the Officer who received it, before he or they Land or dispose any of it, more or lesse) shall first make entry of so many Buts, Pipes, or other Vessels, as he, they, or any of them shall put, take on shore, or any way dispose, by a note in writing, delivered to the Jurisdiction Treasurer at his house, or to some other Officer, appointed by each Plantation, who is to be upon his Oath for the said service, under the penalty of forfeiture and confiscation of all such Wines as contrary to this Order, are or shall be landed or sold before such Entry made, wheresoever found, or some lesse penalty, as the Court shall judge meet, upon proof that the errour was committed through ignorance. And the first buyer, under the same penalty, shall see the same be done, the one half to the Jurisdiction, and the other half to him that informs, and prosecutes in the case. And the Merchant, or Owner of such Wines of any kind, as soon as he imports, Lands, and sells them, or any of them, shall deliver and pay to the said Treasurer, or Officer, for every But or Pipe of *Fiall* wines, or any other wines of those Islands, five shillings; for every Pipe of *Madary* wines, six shillings and eight pence; for every But or Pipe of *Sherris* Sack, *Maligo*, or *Canary* wines, ten shillings; for *Bastards* *Tents*, and *Alligants*, ten shillings: And proportionably for greater or lesser Vessels of each kind. And for every Hogshead of *French* wines, two shillings and six pence, and proportionably for greater or

lesser Vessels. And upon proof that any the forementioned wines, have been imported or landed, without such entry and payment, if neither the seller nor wine can be found, then double the value of the said Customes, by this Order due to the Jurisdiction, are to be recovered by way of Action, as other debts, of the first buyer of the said wines, if it will not be paid otherwise.

And it is further Ordered, that whosoever shall bring any strong liquor, of what kind soever, into any Harbour or other part of this Colony (unlesse directly out of *England*, or out of some other part of this Jurisdiction, where Custome hath been paid, and certified, as in the case of wines) before he or they land or dispose of any of it, more or lesse, shall first make a true and full entry, of the quantity he shall [45] so import, or cause to be imported || or landed, by a note in writing delivered to the Jurisdiction Treasurer at his house, or to some other Officer, as in the case of wines, under the like penalty of forfeiture, with mitigation if the case require it, as there, the one half to the Jurisdiction, the other half to him that informs and prosecutes. And the owner, or importer of any such strong liquor, as soon as he lands, imports, and sells it, or any part of it, shall deliver and pay to the said Treasurer, or Officer, for every Anchor containing ten Gallons, six shillings and eight pence, and so for greater or lesser quantities, namely after the rate of eight pence a Gallon. And the first buyer shall under the same penalty, see that such entry and payment be duly made. And that whosoever within this Colony, shall at any time for sale or merchandize, distill any sort of strong liquor, he or she shall within eight dayes after the same is distilled, and so ready for use, or sale, give in a like true note in writing, of the full quantity so distilled, to the Treasurer, or other Officer, under the like penalty, and shall within three months after, duly pay, or cause to be paid to the said Treasurer, or Officer, after the rate of eight pence a Gallon, for the full quantity so distilled, and upon proof, that any such strong liquor hath been distilled and sold without such entry and payment, the value thereof shall be forfeited to the Jurisdiction, unlesse cause of mitigation appear, as in the Wines. And that no person at any time retails any sort of strong liquor within this Jurisdiction, without expresse license from the Authority of the Plantation, within the limits whereof he so sells, wherein the selling of lesse then three Gallons at a time, is to be accounted retails, and that due moderation be attended in prises, when it is so retailed. But that none of any sort, be at any time sold, above three shillings and six pence a wine quart. Lastly, it is Ordered, That if any distilling such strong liquor, within this Colony, shall by way of Trade or Merchandize, after he hath paid such Custome, ship and send forth out of this Jurisdiction, any quantity of the same, he shall for so much, have the said Custome repayed, by the Treasurer, or Officer who recieved it.

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Imprisonment.

It is Ordered, That no mans person shall be imprisoned either for Fine, or Debt, to the Jurisdiction or Plantation, or particular person, if any competent means of satisfaction from his estate, doe otherwise

appear; but if no such estate be known, nor can presently be found, or if contempt or other proud and offensive behaviour against the Court, or any Authority here settled, be mingled with his cause, he may be imprisoned, and kept in prison at his own charge, if he be able, till satisfaction be made, or till the Court which committed him, or some superiour Court, see cause to release him. Provided nevertheless, That no mans person shall be kept in prison for debt, at the will of the Creditor, but when there appears some estate which he will not produce, in which case, any Court, or Commissioners Authorized by the Generall Court, may administer an Oath to the party, or any others, suspected to be employed, or privy to the conveying away, or concealing of such estate, or some of it; but if any such person or persons, in such case, being so required, shall refuse to discover the truth by Oath, he shall be liable to such fine, as the Court duly weighing the case shall judge meet; but if no estate can be found, to pay or satisfie such just debt, or debts, every such debtor shall satisfie by service, if the Creditor, or Creditors require it, for such time, as the Court considering the debt, shall with due moderation judge meet; but shall not be sold to any out of the United English Colonies, if the debt grow by any ordinary way of borrowing, contract, or other engagement, and not by sinfull and heynous miscarriages, which disturb the publick peace, which the Court to whose cognizance such cases are proper, will duly weigh and consider.

Extra, 7, 26.

[49]

Incest.

It is Ordered, &c. That if any persons shall commit *Incest*, which is, when being near of kin, within the degrees by God forbidden, they wickedly defile themselves one with another, they shall be put to death. *Levit.* 20. 11, 12, 14, 17, 19, 20, 21.

Indians.

It is Ordered, &c. That no Planter, Inhabitant, or Sojourner within this Jurisdiction, shall directly, or indirectly for himself, or any other, purchase, or truck any Plantation, or land, upland, or Meadow more or less, of any *Indian*, *Indians*, or others from them, either upon the Maine between *Connecticut* River, and *Hudsons* River, or upon Long Island, nor shal receive any land by way of gift, or upon any other tearms, for his or their, or any, either private or publick use, or advantage, or as Agent for others who may pretend to begin a Plantation without express license, either from the Court of Magistrates for this Jurisdiction, or at least from some one of the Plantation Courts, where there is a Magistrate, and Deputies. And in the latter case, the Land to lye so as neither in point of Title, nor conveniency may concern any other Plantation, but onely the Plantation so licensing, under the penalty of losing and forfeiting all the Right and Title purchased, or obtained in any such Land, with such further punishment for contempt as the Court shall judge meet. And if any person or persons within this Jurisdiction, by what way or means soever be already justly possess, or interessed of or in any Land within the limits before mentioned, he or they shal neither directly nor indirectly by

gift, sale, or upon any other consideration or respect, alienate or return the right he or they have in the same, or any part of it to the *Indians*, or any of them, without license from this Court; and if any Plantation within this Jurisdiction shal hereafter purchase, or upon any tearms receive, or obtaine Title or Right to any Land from the *Indians*, or others from them, which may concerne, or be convenient to another Plantation within this Jurisdiction also; and so there grow any question or difference either in reference to the Land, or this Order, it shall be heard and determined by this Court, that peace may be continued, and the conveniency of each Plantation provided for.

[50] ¶ And the better to suppress or restrain the inconveniences or mischiefs which may grow by a general and unlimited furnishing of the *Indians* with guns, powder, shot, or any other weapons or instruments proper or useful in or for war. It is Ordered, That whosoever of, or within this Jurisdiction, or any part thereof shal directly or indirectly, by himself or any other, sel, barter, give, lend, lose, or by any means, or device whatsoever, furnish any *Indian* or *Indians*, or any for them, with any guns smal or great, by what name soever called, or with any powder, shot, lead, or shot mould, or with any stocks or locks for guns, or swords, rapiers, daggers, or blades for any such, or pikes, pike-heads, halberts, arrow-heads, or any other provision or furniture for War of what kind soever, whether fully finished or not; or what Smith, or other person within or belonging to this Jurisdiction shal mend any gun, stock, or any thing belonging to it, or procure it to be done, or any the forementioned, or other weapons or instruments proper, or used for war, without express written License from this general Court, or some one or more Deputed by them to give such License with directions upon what termes, and in what manner, such a trade with a due respect to all the Premises shal be managed, shal forfeit and pay to the Jurisdiction twenty times the value of what shal be sold, bartered, or any way alienated, mended, or upon any contrivement or device done contrary to the tenour and true meaning of this Order, or any part of it, whereof one 4th part goeth to the Informer, & the rest to the Jurisdiction.

And to the same purpose and end, it is further Ordered, that whosoever shal either directly or indirectly sel, bartar, or cause to be sold &c. any guns, powder, shot, lead, or any of the forementioned instruments or provisions for warr, to any person or persons inhabiting out of this Jurisdiction, without license from two Magistrates of this Jurisdiction under their hands, or where there is but one Magistrate under his hand, and the hands of two Deputies for the Plantation Court, shal as a fine for his breach of order and contempt pay five times the value of what shal be so sold, bartered, &c.

And it is further Ordered, That the Magistrate or Magistrates who at any time give any such license under their hands shal keep a true [51] account in writing of all the particulars, and ¶ quantities, he or they so license, to whom & upon what grounds that upon any question this Court may receive satisfaction therein; and that every such license be limited, as to the perticular things and quantities; so to the time that if the same or any part thereof be not within the limited

time sold and delivered, the license for the whole, or such part to be altogether void, and each sale or delivery after, without a new License to be adjudged a breach of this Order.

And the better to prevent controversies and disturbance betwixt the *English* and *Indians* in this Jurisdiction; it is Ordered, That whosoever shal upon any occasion, trust, or take pawn or pledge of any *Indian* for the securing or payment of any thing sold or lent, he shal neither after take any thing from him or them by force, for, or toward satisfaction, nor dispose of any pawn, or pledg so received, though the time set for redeeming it be enquired, without either consent of the *Indian*, or license from the Court, or from the authority settled in the Plantation where lives.

*Indians see further, into the title of Inn-keepers,
Tipling, and Drunkenness.*

Indictments.

If any person shall be indicted of, or legally charged with any capitall crime (who is not then in durance) and shal withdraw, or refuse to render his person to some Magistrate, or Officer for this Jurisdiction, within one moneth, after three proclamations publickly made in the Town, or Plantation where he did formerly usually abide, there being a full moneth betwixt Proclamation and Proclamation; his lands and goods shall be seized to the use of the Jurisdiction (and ordered with due respect to his family, as the Court of Magistrates shal judge meet) till he make his lawful appearance. And such withdrawing of himself shall stand in stead of one witnesse to prove the crime charged, unlesse he can make it appeare to the Court that he was necessarily hindered. Ears, 7, 26.

Inkeepers, Tipling, Drunkenness.

It is Ordered, &c. That no person, or persons, shall at any time hereafter, under any pretence or colour whatsoever, undertake or become a common Victualler, keeper of a Cookes shop, or house for [52] common entertainment, Tavern, or publick seller of Wine, Ale, strong Beere, or strong liquor by retaile within this Jurisdiction; nor shall any either directly or indirectly, sell any sort of Wine privately in his house, Cellar, &c. or out of doores, by a lease quantity, or under three gallons at a time, without approbation and license of the Plantation-Court to which he belongeth: or where there is no such Court, without the license of the Constable, and major part of the free-men, under the penalty of five pounds, to be paid to the Plantation for the first miscarriage complained of, and proved; and ten pounds for the second miscarriage so proved: And where payment cannot or wil not be made, imprisonment during the Courts pleasure, for the first offence, and for the second offence, such further punishment as the Court shall order. And that no person so licensed shal sell any Beere, or Ale, above three pence an Ale quart, under the penalty of three shillings and four pence for such miscarriage, proved the first time, and six shillings and eight pence the second time. But

it is allowed and ordered, that any man that will may sell Beere or Ale out of doores, at a peny a quart, or cheaper.

It is further ordered, That whosoever licensed as before, selleth any sort of Wine by retaile, that is, by any lesse quantity then three gallons at a time, he shall pay to the Jurisdiction Treasurer over and above the Custome before mentioned, after the rate of forty shillings for every But, or pipe so re-taled; and every one, that so selleth by retaile, shal give a true account and notice to the said Treasurer, or to some other Officer appointed for that purpose in each plantation, of the true or ful quantity, which he either buyeth or receiveth into his custody, and that within one week after he is so possessed of it, upon paine of forfeiting the same, or the value thereof; and shal further every six months, truly account with the Jurisdictions Treasurer, or other Officer as aforesaid, for what he hath sold by Re-tale as aforesaid, and discharge the same, having due allowance for what he hath sold by greater parcels, then by this Order is accounted Re-tale; and in case of delay, or neglect of payment after demand, the Treasurer or Officer shal recover it by action as other debts, provided that if any person shal give in a false account to defraud the Jurisdiction upon due proof, he shal pay double the value of what he would so have kept back.

[53] || And it is further ordered, that every person so licensed to draw and sel strong Beer, Ale, Wine, or strong liquour, do see, and take care that good order, and all Rules of sobriety be duly attended in his course, and house, and about the same; and that he neither see, nor suffer any to be drunken, or to drink excessively, or to continue Tipling above the space of an hour, or at unseasonable times; or after nine of the clock at night without weighty cause, nor that any Children or servants without the consent of Parents, or governors be permitted to sit, or stay there drinking or unnecessarily to spend their time there, especially at late or unseasonable hours, but that he duly complain to authority, that all such disorders may be seasonably suppressed, under the penalty of 5 shillings for the first offence, with such increase of fine for a continued slightness or neglect as the Court shal determine.

Provided notwithstanding, That such licensed persons may entertain strangers, land travellers, Sea-faring men, lodgers, or others for their necessary occasions, refreshment, or during meales, when they come from their Journies or Voyages, or when they prepare for their Journey or Voyage in the night, or next day early, or such may continue in such houses of common entertainment, as their business and lawful occasions may require, so that there be no disorder among them.

But every person found drunken, namely so, That he be thereby for the present bereaved, or disabled in the use of his understanding, appearing in his speech, jesture, or carriage in any of the said houses or elsewhere, shal forfeit for the first time ten shillings; and for excess of drinking, or continuing in any such place unnecessarily at unseasonable times, or after nine of the clock at night five shillings, and for continuing tipling there above the space of an hour two shillings six

pence for the first offence, and for the second offence in each kind, and for all further disorder, quarrelling, or disturbance, whether a first or second time, such further fine or punishment as the Court shall determine.

And for that God may be much dishonoured, and many inconveniences may grow by the *Indians* disorderly drinking of Wine, strong Water, and strong Beere, unto which they are much addicted; it is *Indians.* [54] Ordered, That no person whatsoever || shall either directly or indirectly within this Jurisdiction, sell any Wine, strong Water, or strong Beere to any *Indian* or *Indians*, or procure any for them, either to drink within this Jurisdiction, or upon any pretence to carry away without special license under the hand of some Magistrate of this Jurisdiction, or in any plantation where there is no Magistrate, under the hand of one of the Deputies, or Constable where he lives; and that no license so given shall serve, or be of force any longer then for that one particular time, and for the limited quantity then granted, under the penalty of five shillings for the first offence, and ten shillings for the second; but if any shall offend the third time therein, it is left to the Plantation Court where the offence is committed to consider the case, and to inflict such punishment or increase of fine as shall be meet; and in any plantation, where at present there is no Court kept, the Deputies last chosen for the general Court, or Constable, shall require the forfeitures, and for defect of payment make seizure of so much out of the Delinquents estate; but if any person shall offend the third time, every such person shall by the said Deputies, or Constable, be bound over to answer it before the next Court of Magistrates.

Laws without penalty.

It is by this Court declared and Ordered, That in all Laws and Orders formerly, now, or hereafter to be made, where no fine, or penalty is expressed and limited, all Transgressours have been, are, and shall be liable to such penalties, or punishments as the Court of Magistrates, or any plantation Court, to which the Cognizance appertains, weighing the nature of the offence, with the circumstances shall judge meet, liberty of Appeals, or Complaints, as in other Cases, being duly preserved.

Leather, and Shoo-makers.

Upon consideration of the damage or injury which many sustaine by the ill coming of Leather, and by the Shooe-makers ill making it up into shooes, and boots, It is by this Court Ordered, That in every Plantation within this Jurisdiction where either Tanner, or Shooe-maker is employed in their Trades, one or two Sealers shall be chosen, and appointed, as the occasions require, who shall be under Oath, [55] faithfully (according || to their best ability) to discharge their trust; and shall seale no leather, but such as they judge sufficiently tanned, and fit to be wrought out, and sold in shooes, and boots. And that every such Plantation shall have two Seales, to distinguish betwixt good Leather well and sufficiently tanned, and such, as though tanned enough, is in some other respect defective, either by over-



liming, or for want of being wel wrought upon the beame, or by frost, or hath received some dammage in drying; so that though it may serve for inward or middle soals, yet not for other uses without dammage to the buyer, all which Leather so defective, shall be sealed with a different Seale, that it may be known to be faulty. But that which is not sufficiently tanned, shal neither be sealed, nor used in bootes, sor shooes, til it be duly tanned. The chosing and appointing of which sealer or Sealers, the print or mark, which each Plantation shal set upon their seals for good, or faulty Leather, with the Rate to be allowed for sealing, being left to the several Plantations, but no Tanner within this Jurisdiction shal upon any pretence, sel, deliver, cause, or suffer to be delivered, or pass out of his hands, or custody, any hide, or hides, til being fully dry, they be first sealed by the Officer or Officers thereunto appointed, under the penalty of forfeiting the said Leather, or the value of it to the plantation where the offence is committed.

And it is further Ordered, That if any Shooe-maker shal use, or put any unsealed Leather, either in bootes, or Shooes, or put any of the forementioned faulty Leather (though sealed as such) in any outward soals, or upper Leather, or in any other place, which may be hurtful to the buyer, or wearer; or shall use any other way of deceit in making up his Ware, he shall make due and ful recompence to the person, or persons wronged, and complaining; and shal suffer such further punishment as his offence considered with the circumstances shal require; And whosoever shal bring hides from any other place, and shal sel or use any of them for bootes or shooes within this Jurisdiction, before they be sealed by some Officer here, according to the import of this Order, or shal use them in bootes, or Shooes, contrary to the intent thereof; the Hides so sold or used, or the value of them [56] shal be forfeited to the plantation where the offence is committed, or such Recompence, or Fine shal be made or paid, (if it grow only of ignorance) as the case may require; provided that if both buyer and seller be faulty, they shal pay the forfeit betwixt them; but due tenderness and Respect is to be had of an innocent stranger who brings, sels, or uses good leather, though for want of meanes to know the law, it were unsealed.

Levies, see Marshall.

Lying.

It is Ordered, That if any person above the age of fourteen years shal wittingly, and willingly make, and publish any *lye*, tending to the damage, or injury of any particular person, or with intent to deceive and abuse the people, with false newes, or Reports, or which may be any way pernicious to the publick weale; and the same complained of, and duly proved, either before any Court or Magistrate, or where there is no Magistrate, before the Constable, or other Officer, he calling one or two of the Freemen to him, (who are hereby inabled to hear and determine ordinary offences of this nature, according to the tenour of this Law) the Offender shal pay to the Plantation where he is prosecuted for his lying, as it is a sin against God, for the first offence

Joh: 13, 4.

Paul. 119, 69.

Hosea 4. 1, 2.

ten shillings; and if after such conviction, he offend the second time, he shal pay for that second Offence twenty shillings, which Fines, or penalties shal be severally levied as in other cases. But if any such person be not able, or utterly refuse to pay the said Fines, or either of them, he shall in such case be committed to the stocks; and for the first offence shal continue there betwixt one and two hours; for the second offence betwixt three and four hours. But if he offend the third time, he shal be publickly whipt for the same; each person being notwithstanding left to his liberty, to proceed further by action of *slaunder*, *defamation*, or otherwise, as the case may require. But the said Court, Magistrate, or other Officer, as before; finding weighty aggravations in the case, either in the sin against God, or disturbance, and damage to the Publick, are to proceed accordingly; or if need require may bind the Offender over to the Court of Magistrates.

[57]

Magistrates, or other Judges in relation.

To prevent occasions and jealousies of partial and undue proceeding in Courts of Justice: It is Ordered, that no Magistrate, or Deputy shal sit as a Judge, or among the Judges when any cause of his own is tryed; and that in every case of civil nature between party, and party, where there shal fal out so near Relation between any Judg, and any of the parties, as betwixt Father, and Son, either by nature, or Marriage, Brother and Brother, Uncle and Nephew, Landlord and Tennant in matters of considerable valew, wherein any of them being one of the Judges is concerned; such Judg though he may be present at the Tryal, and may propound and hold forth light in the case, yet he shal neither sit as Judg, nor shal have power to Vote or pass sentence therein; and in case the Court without such Magistrate or Deputy may not proceed, either two magistrates may be called in, or the matter referred to the Court of Magistrates if it be not otherwise to just satisfaction issued.

Manslaughter.

It is Ordered, That if any person in the just and necessary defence of his own life, or the life of another, shal kil any person attempting to Robb, or murther in the field, High-way, or other place, or to break into any dwelling house, if he cannot otherwise prevent the mischiefe, or with safety of his own person take the Fellow, or Assailant, and bring him to Tryal, he shal be holden blameless.

Marriage.

For the preventing of much inconvenience which may grow by clandestine and unlawful marriages: It is Ordered, That no persons ^{Ruth 4. 9, 10, 11.} shal be either contracted, or joyned in *Marriage* before the intention of the parties proceeding therein, hath been three times published, at some time of publick Lecture, or Town meeting in the Town, or Towns where the parties, or either of them dwel, or do ordinarily reside; or be set up in writing upon some post of their meeting house door, in publick view, there to stand so as it may be easily read by the space of fovrteen daies; and ~~that~~ no man unless he be a Magistrate in this Jurisdiction, or expresly allowed by the General Court shall

Marry any persons, and that in a publick place, if they be able [58] ¶ to go forth under the penalty of five pounds fine for every such miscarriage.

And the Court considering that much sin hath been committed against God, and much inconvenience hath grown to some members of this Jurisdiction by the irregular and disorderly carriage of young persons of both Sexes, upon purpose or pretence of Marriage, did & do order, That whosoever within this Jurisdiction shal attempt, or indeavour to inveagle, or draw the affections of any Maide, or Maide-servant, whether Daughter, Kinswoman, or in other Relation, for himself, or for any other person, without the consent of Father, Master, Guardian, Governor, or such other, who hath the present interest, or charge, or (in the absense of such) of the nearest Magistrate, whether it be by speech, writing, message, company-keeping, unnecessary familiarity, disorderly night meetings, sinful dalliance, gifts, or any other way, directly or indirectly, every such person (beside all dammages which the Parent, Governor, or person intrusted or interested, may sustain by such unlawful proceedings) shall pay to the Plantation forty shillings for the first offence; and for the second offence towards the same party four pounds; and for the third offence he shal be further fined, imprisoned, or corporally punished, as the Plantation Court, or Court of Magistrates considering all circumstances shal determine.

Numb. 30, 5.
Exod. 22.
16, 17.

And whereas some persons men or women do live, or may come to settle within this Colony, whose Wives, or Husbands are in *England* or elsewhere, by means whereof they are exposed to great temptations, and some of them live under suspition of uncleannesse, if they do not fal into lewd and sinful courses. It is therefore Ordered, That all such persons living within this Jurisdiction, shal by the first opportunity, repair to their said Relations, (unless such cause be shewen to the satisfaction of the Plantation Court, that further Respite and liberty be given) under the penalty of paying twenty pounds fine, for contempt, or neglect herein. Provided that this Order do not extend to such as are, or shal come over to make way for their Families, or are in a transient way for traffick, Merchandise, or other just occasions for some smal time.

1 Cor. 7, 5.

[59]

Marshall.

That Justice may be the better executed, the Jurisdctions occasions carried on, And that the Marshal and other Officers may know how to demean themselves in their places; It is Ordered, That in case of Rates and Fines to be leavied, and in case of Debts, and executions in civil actions; The Officer shall first demand the summ due of the party, or at his house, or place of usual abode, but upon refusal or non-payment, he shal have power (calling in such assistance as the case may require) to break up the door of any house, chest, or place where he shal conceive, or have notice, that any goods liable to such leavy or execution shal be; And if he be to take the person, he may do the like, if upon demand he shal refuse to render himself; And whatever charges the Officer in any such case shal be put unto, he shal have power to leavy the same, as he doth the Debt, Assesment, or Fine;

Exra. 7. 26.

And in case the Officer be put to leavy any such goods, as cannot without considerable charge, be conveyed to the place where the Treasurer, or party dwelleth, who should receive the same, he shal levy the said charge also, with the rest; provided it shal not be lawful for any such Officer, to leavy any mans necessary bedding, Apparel, Tooles, Armes, or such implements of Houshold stuff, as serve for his necessity, without express direction from the Court, upon whose sentence, the execution or seizure was grounded, or at least, of some Magistrate of the Jurisdiction, but in such cases he shal leavy his land or person. And in no case shal the Officer be put to seek out any mans estate, further then his place of abode; but if the party wil not discover his goods, or Lands to a sufficient value, the Officer may take his person.

According to
that rule,
Exod. 22, 26,
by propor-
tion with
Deut: 24, 16.

And to prevent the inconveniences which may grow by the slightness of some mens spirits, who are apt to neglect and violate wholesome Orders and Laws, made in the Jurisdiction, or Plantations, It is Ordered, That whosoever shal be Fined by any Court for any disorder, or breach of Law, every such person shal forthwith pay the Fine, or penalty, or put in security speedily to do it, or else shal be imprisoned, or kept to work, if the Court upon due consideration of persons, and circumstances judge it not meet to make other seizure.

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Masters, and Servants, &c.

It is Ordered, &c. That no Servant Male, or Female, or other person under Government, shal without license from His, Her, or their Masters or Governors, either give, sel, or truck any commodity whatsoever, during the time of their service, or subjection, under the pain of such Fine, or corporal punishment, as the Court upon a due consideration of the offence, shal judg meet; And that whosoever shal receive from, or trade with any Child, Son, or Daughter, under Age, and under Government, or with any servant, or servants, in a suspicious disorderly manner, or shal harbor, or entertaine any such in the night, or at other unseasonable times, or shal suffer them disorderly to meet at any place within their power, or to play at Shovel-board, or other game, or games, to drink, spend mony, or provisions, or shal use or suffer any offensive, sinful carriage, conference, counsel, or songs, which in their nature tend to corrupt, all such persons shal be liable to such Fines, or other punishment, as the Court shal judge meet.

Mayning, wounding, &c.

If any shal in distempered passion, or otherwise, sinfully hurt wound, or maine another, such person shal be punisht by Fine, with some valuable Recompence to the party; and shal pay for the cure, with losse of time, &c. And when the case requires it, The Court of Magistrates are duly to consider the mind of God, as it is revealed, *Exod: 21. 18, to the 28. Levit: 24. 19, 20.*

Military affairs.

For as much as the well managing of the Militia, is under God, in all places, of great import, and concernment, for publick peace, and

Judge: 5. 8.
 1 Sam: 18.
 19, 22.
 Luk: 22. 86.

safety: It is Ordered, That (beside a general stock of guns, powder, shot, match, &c. provided and kept in store by each plantation in this Jurisdiction, according to former agreements of the Commissioners for the united Colonies, and Orders of this Court, which they are hereby [61] required to keep continually full, and in a constant readiness for service, upon all occasions, and by their Deputies to make a true certificate thereof yearly to the General Court) every Male within this Jurisdiction, from sixteen, to sixty years of Age, (not freed by publick allowance) shall be, and from time to time continue well furnished with arms, and all other suitable provision; namely a good serviceable gun, such as shall be ordered by the Court, and allowed by the Military Officers, to be kept in a constant fitness in all Respects for service, with a fit, and sufficient Rest, a good sword, bandaleers, or horne, a worrne, a scourer, a priming wire, shot bagg, charger, and whatsoever else is necessary for such service, with a pound of good powder, four pounds of pistol bullets, or four and twenty bullets fitted for the gun, four Faddom of serviceable match, for a match-lock gun, five or six good flints fitted for every firelock gunn, under the penalty of ten shillings for any defect; and the military officers are hereby required to give or send in an account yearly in *May*, from each Plantation, to the general Court, or Court of Magistrates, how the Inhabitants are furnished, and provided.

That in each Plantation within this Jurisdiction, according to the number of Soldiers, in their Trained band, and as they are furnished with able men for such a service, and trust, military Officers as need requireth, shall from time to time be chosen. And all the Freemen in each Plantation, shall have their Vote, in the nomination, and choice of them; Provided that none but Freemen be chosen. And that every Captaine, and chiefe Officer, chosen in any of the Plantations, for the military affaires, shall from time to time be propounded to the next General Court, after he is chosen for approbation, and confirmation. And if the said Court, have any just Exception, against any so propounded, The Freemen shall proceed to a new choice, That the Jurisdiction may be furnished with such Officers, as in whom they may satisfyingly confide.

[62] That in each Plantation, the Captain, or chief military Officer shall once in each quarter of a year at least, but oftner if there be cause, order, or take a strict view, how every Male, from sixteen to sixty years of Age, is furnished with arms, and provisions, according to the former directions, and where any are found faulty, the Clark or some other Officer shall duly present their names, with each defect to the next plantation Court, or to such Officer (where there is no Court) who hath a trust in civil affairs, that the Fines and penalties may from time to time be duly leavied. And if this view of arms, &c. shall at any time be neglected, or the defects not duly presented; the Captain or chief military Officer, or the other Officers ordered to take this view, or the Clark, or Officer appointed to present, &c. shall pay forty shillings each quarter, when this service, or any part of it, is omitted, as the fault upon examination shall joyntly or severally be justly charged.

There shal be in each Plantation within this Jurisdiction, every year at least six Training daies, or daies of publick military exercise to teach and instruct all the Males, above sixteen years of age, (who are not freed from that service) in the comly handling, and ready use of their arms, in all postures of war, to understand and attend all words of command; And further, to fit all such as are in some measure instructed for all military service, against there be occasion, under the penalty of forty shillings, to be leavied of the military Officers, as the Court upon examination shal find them more or lesse faulty, and with Respect to their places, the greater Trust paying the greater Fine for neglect; which dayes of Training shal be some of them in the Spring of the year, before harvest, and some in the latter end of the summer, before winter, as may best suit each Plantation, but at no time any two of these traynings shal be within fourteen dayes one of another. And it is further Ordered, That on every such Training day, the Captain, or chief Military Officer present, cause the Names of all the Soldiers to be read, at least in the forenoone, but in the afternoon also if he see cause. And whosoever in any Training day, shal be totally absent, shall pay five shillings for every such default, whosoever shal at any time of the day withdraw himself from the ser-[63] vice, without leave from the chief Military Officer present, he shal pay either as for total absence, or a greater or lesse Fine, as the offence considered in all circumstances may require; And whosoever shal come late, shal pay for each such default one shilling; and for any other disorderly offensive carriage, according to the nature and measure of it. This Court expecting from each Plantation, that they suffer not men to neglect, or grow slight in a service of such import.

Gen: 14. 14.
2 Chro: 12.
83.
2 Chro: 17.
18.
2 Sam: 1. 18.

That a fourth part of the Trained band in every Plantation shal in their course, as the military Officers shal order, come constantly to the publick worships of God every *Lords day*; And (such as can come) on Lecture dayes, to be at the meeting-house, at latest, before the second Drum hath left beating, with their arms compleat, their guns ready charged, their match for their match-locks, and flints ready fitted to their fire-lock guns, with Shott and powder for at least five Shot, beside the charge in their guns, under the penalty of two Shillings Fine, for every person negligent, or defective in Furniture, and for late coming one Shilling, The sentinal also, and they that walk the Round shal have their matches lighted, during the time of their meeting, if they use their matchlocks, and shal diligently and Faithfully attend their duty under such further penalty as the breach of such a trust may require.

That a strict watch be constantly kept in the night, in all the Plantations within this Jurisdiction, according to all such Orders, as shal from time to time be made, either by the General Court, or by *Plantation Courts*, or Officers intrusted for Civil affairs, where there is no Court; And that both for number of Watchmen, in each plantation, the time of setting or beginning the Watch every night, their rising, and leaving it in the morning, and all other carriage, and duties in managing this trust; they duly attend and observe all directions given. And it is left to the care and consideration of the Governor, Magis-

Nehem: 4.
18. to the
end.

trates, Officers, or any of them, as the case may require, to double, or further to increase the watch by night, in times of danger, and to appoint some competent number of men to ward or walk by day, with their armes, in, or about the plantation, as may best tend to the publick safety; And if any watchman, or Warder do at any time neglect [64] his duty, either in coming || too late to the service, or departing too soon from it, not coming compleatly furnished with Arms, according to order, or any other way neglecting duty, or falsifying his trust, he shal pay such Fine, or receive such punishment as his neglect or unfaithfulness deserves, that both himselfe may be warned, and others may feare to be slight, or false in a matter of such concernment.

But upon consideration of publick service, and other due respects, It is ordered, That all Magistrates within this Jurisdiction, and teaching Elders, shal at all times hereafter, be freed, not onely in their persons, but each of them, shal have one son, or servant by vertue of his place or office, freed from all watching, warding, & training. And it is further ordered, That all ruling Elders, Deputies for Courts intrusted for Judicature, all the chief Military Officers, as Captains, Liefteants, and Ensignes, the Jurisdiction Treasurer, Deacons and all Physitians, Schoolmasters & Surgeons allowed by authority in any of these Plantations, all Masters of ships and other vessels, above 15 tun, all publick Millers, constantly imployed, with others for the present discharged for personal weakness & infirmity, shal in their own persons, in time of peace and safety, be freed from the said services; And that all other Seamen and ship Carpenters, and such as hold Farms, above two miles from any of the Plantations, train onely twice a yeare, at such times as shal be ordered, either by the authority, or by the Military Officers of the Plantation. But all persons freed and exempted from the respective services, as before, shall yet in all respects, provide, keep, and maintain in a constant readinesse, compleat Arms, and all other military provisions as other men, Magistrates and teaching Elders excepted, who yet shal be constantly furnished for all such sons and servants as are hereby freed from the forementioned services.

Ministers maintenance, see Ecclesiastical provisions.

Oppression.

Jer. 6. 6. To prevent, or suppress much sin against God, and much damage
Jer. 22. 15, to men, which doth, and may grow by such as take liberty to oppress,
16, 17. and wrong others, by taking excessive wages for work, or unreasonable
Ezek: 22. 29. able prizes for commodities: It is Ordered, That if any shal offend in
Hosea 12. 7. [65] either of the said cases, upon complaint || and proof, every such person shal be punished by Fine, or imprisonment, according to the quality and measure of the offence, as the Court shal judge meet.

Plantations.

Whereas the Freemen of every Town, or plantation, within this Jurisdiction, have in sundry particulars liberty to make Orders among themselves, as about Fencing their Land, ordering or keeping their Cattel, or Swine, &c. as may best suite with their own conveniency;

It is by this Court Ordered, That if any greater cattel, of what sort soever, or Swine, belonging to one Plantation, be found either unmarked, or proved to have done Trespass, or both, within the limits of another plantation; The damage being duly Rated, the Owners of such Cattel, or Swine, shal from time to time, pay all Fines and damages, according to the just agreements, and Orders, made by the Plantation, where the Trespass is done; provided that the Orders be such, and no other, then what they make, and execute upon themselves, in like cases.

Pound, Pound breach.

For prevention, or due recompence of damages in Corne-fields, or other places done by cattel, or swine; It is Ordered, That there shal be one sufficient pound, or more, made, and maintained in every Plantation within this Jurisdiction, for the impounding of such Cattel, or Swine, as shal be found in any corne-field, other inclosure, or place prohibited, til it may appear, where the fault, and damage ought to be charged. And who so impounds any cattel, or swine, shal give present notice to the owner, if he be known, otherwise they shal be cryed at the two next Lectures, or most publick meetings, but if yet the owner be not found; Then fine, and damages to be recovered, as in the Order about cattel, &c. And if any of them escape out of the pound; The owners, if known, shal pay all just damages and charges.

But if any person, or persons, shal resist, or Rescue any cattel or swine going, or driven toward the pound, or shal by any way, or meanes, get, or convey any such out of the pound, without due order from lawful authority, settled by this court, he or they, shal pay for such Rescue, or disorder, forty shillings, and in case of pound breach [66] five pounds, beside just damages || to the party wronged. And if in the Rescue, any bodily harme be done to any person, he, or they, may have remedy from the Rescuer, or Rescuers; And if any such miscarriage be committed by any not able, or refusing to answer the forfeiture & damage, every such person shal sustain such bodily punishment, as the Court shal judge meet, and shal answer all damage to the party by service, if estate cannot be found, as in the case of other just debts; and if it appear there were any procurer, or abettor of any the former offences, every such person shal be liable to forfeiture, damage, or punishment, as if himselfe had done it.

Prophanation of the Lords Day.

Whosoever shal prophane the Lords day, or any part of it, either by sinful servile work, or by unlawful sport, Recreation, or otherwise, whether wilfully, or in a careless neglect, shal be duly punished by fine, imprisonment, or corporally according to the nature, and measure of the sinn, and offence. But if the Court upon examination, by clear, and satisfying evidence find That the sin was proudly, presumptuously, & with a high hand committed against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord, shal be put to death, That all others may feare and shun such provoking Rebellious courses; *Numb.* 15. from 30 to 36 Verse.

Prophane swearing, or cursing.

Against the
3d Com-
mandement,
Ps: 106. 17,
18.
Jer: 23. 10.
Eze: 4. 1, 2.

If any person within this Jurisdiction, shal swear rashly and vainly, either by the holy name of God, or any other Oath, or shal from dis-tempered passion, or otherwise curse another, he shal forfeit to the Plantation where he so offends, for the first offence, 10s. And if after such conviction, he offend the 2d time, he shal pay for that 2. offence 20 s. & it shal be in the power of any Magistrate alone, or where there is no Magistrate, of any constable, or Deputy of a particular court, calling into him one or two of the Freemen, to warne, or cal such a person before him, and upon sufficient proof, to pass sentence, and leavy the said penalties, according to the usual order of Justice in this Jurisdiction. But if any such person be not able, or utterly refuse to pay the forementioned fines, or any of them, he shal in such case, be committed to the stocks, and for the first offence, [67] || shal continue there, betwixt one and two hours; For the second offence, betwixt three and four hours. But if the said person, notwithstanding such former proceedings, shal offend the third time, by such swearing, or cursing, he shal be whipped, for his incorrigible prophaneness. But if swearing and cursing go both together, or be accompanied with other sinful aggravations, such miscarriages shal be punished with a higher Fine, or corporally with due severity, as the Court shal judge meet.

Rates, Fines &c.

Whereas much inconvenience may arise by the neglect of Officers in collecting, and seasonably paying in, all such Rates, Fines, and Debts, as from time to time, grow due to the Jurisdiction Treasury; It is Ordered, That in each plantation, where the Officer, or Collector, doth not at the time appointed for the payment of all such Rates, and fines, or at furthest within one moneth after (though his Office within, or after that month, be expired.) And that by distress, whereunto he is hereby inabled, when a milder course wil not serve, gather, and receive them, in some such pay, as this court hath appointed, and presently without delay, pay them in, as each plantation hath, or shal Order. That the Jurisdiction Treasurer may be duly furnished for the publick occasions. That then the particuler Court, or Constable, in each such plantation, cause the said Rates, and Fines to be leavied by distress, out of the proper estate of such remiss collector, or officer, to prevent further inconvenience, and disturbance to the plantation. But if any such officer, or collector, be removed out of the Jurisdiction, or if any of the planters be dead, removed, or grown insolvent, or if by any other meanes, The ful payment of the Rates, and fines be hindred, The present Authority in any such plantation by a due assesement, are to leavy, and gather the same, of the present planters, and without delay, to pay it in to the Jurisdiction Treasurer; otherwise the cattel, or other goods, of any planter, or planters, are to be seized by the Marshal, or other officer, with, or without assistants, as in the Law for publick charges is exprest.

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Records.

It is Ordered, That all Parents, Masters, House-keepers, and others, who have either children, servants, sojourners, or lodgers in the house, or dwelling with them, shal bring in to the Secretary of the Plantation, where he lives, or to such other Officer in each plantation, as shal be thereunto appointed, the names of such persons belonging, or any way referring to them, or any of them, as shal either be born, or dye, with the respective time of each such birth, or death. And also that every new married man (if married within this Jurisdiction) shal bring in the certificate thereof, under the hand of the Magistrate or Officer that married him, with the time when, to be recorded first by the Officer of the Plantation, where he was married; but if married in another Jurisdiction, though at present or after he come to be an Inhabitant in this, then to record the marriage where he liveth; and to pay for every Record, whether birth, death, or marriage, three pence, whereof two pence for each such Record, shal be to the Officer in each Plantation, who shal both Record in the Plantation book, & yearly deliver or send a transcript of every birth, death, or marriage, with a peny for each, to the Secretary for the general Court: And what person soever (to whom it doth belong) shal neglect to bring in a note, or certificate, as aforesaid, together with three pence for each Record, to the said plantation-officer, more then one month, after each birth, death, or marriage, he shal pay for each six pence to the said Officer; if he neglect two months, he shall pay twelve pence; if three moneths, five shillings, which Forfeits shal go, two third parts to the Plantation-officer, the rest to the Jurisdiction-officer. And if the Plantation-officer shal either neglect to Record, or to deliver over the transcripts, as before; or if the Secretary for the general Court, shal neglect to record them, each Officer for every such neglect shal pay to the Jurisdiction-Treasurer ten shillings.

It is further ordered and declared, That every man shal have liberty to record in the publick Register of any Court, any testimony given upon Oath, in the same Court, or before two Magistrates, or any Deed, or Evidence, legally confirmed, there to remain *in perpetuam rei memoriam*; and that every inhabitant in this Jurisdiction, shal have [69] free liberty to search, and view | any such publick Records or Registers, & to have a copie thereof, written, examined, & signed by the Secretary, or officer of the said Court, paying the due charge or fees therefor. Also every trial betwixt party and party, & proceedings against Delinquents in criminal causes, shal be briefly and distinctly recorded, the better to prevent after mistakes, and other inconveniences.

Replevin.

It is Ordered and declared, That every man shal have liberty to Replevy his cattel, or goods, impounded, distreined, or seized, unless it be upon execution after Judgment, or for payment of Rates or Fines; provided he put in good security to prosecute the *Replevin*, and to satisfie such damage and charge, as his adversary shal recover against him in Law.

Sabbath, see prophanation of the Lords day.

Seamen, &c.

It is Ordered, That if any Seaman, Marriner, Master of ship or Vessel, or other person, shal receive into any ship, pinnace, Bote, Cannooe, or other Vessel by what name soever called, and shal carry away, or suffer to take, or have passage, out of any harbor, or plantation, within this Jurisdiction, any child, servant, or other person, whether Male, or Female, whom he knoweth to stand in relation, or under the charge and government of another, and so not at his, or her own present dispose, or any Debtor, Delinquent, or Offender, whom he knoweth; or hath heard to be under, or liable to any ingagement, censure, or punishment, to, or from any particular person, or the authority of this Jurisdiction, or any plantation therein without express, and written license, from some Magistrate, dwelling in that plantation, or from the Constable, or Deputies intrusted for civil affairs, -where there is no Magistrate, or at least from the master, or governor of the Family, who hath the trust or power, where there is no other ingagement or guilt. He shal be liable (if known and apprehended in any part of this Jurisdiction) to satisfie, and pay all such debts and ingagements as any such person oweth, or ought to satisfie, and to pay such damage or fine to the person or persons wronged, or to the Plantation, or Jurisdiction, as the Court considering the case, with the circumstances, shal judge meet.

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Sentences of Judgement.

It is Ordered, That all sentences of Judgement, upon criminal causes, shal be executed upon the Offenders, in the presence of the Magistrates, or one of them at least; *Deut. 25. 2.* of some other officer in the absence of the Magistrate.

Servants see Masters.

Shoomakers see Leather.

Single Persons.

To prevent, or suppress inconvenience, and disorder in the course and carriage of sundry single persons, who live not in service, nor in any Family Relation, answering the mind of God in the fift Com-mandement. It is Ordered, That no single person of either Sex, do henceforward board, diet, or Sojourn, or be permitted so to do, or to have lodging; or house room within any of the Plantations of this Jurisdiction, but either in some allowed Relation, or in some approved Family licensed thereunto, by the court, or by a Magistrate, or some Officer, or Officers in that Plantation, appointed thereunto, where there is no Magistrate; The Governor of which Family, so licensed, shal as he may conveniently, duly observe the course, carriage, and behaviour, of every such single person, whether he, or she walk diligently in a constant lawful employment, attending both Family duties, and the publick worship of God, and keeping good order day and night, or otherwise. And shal then complaine of any such disorder, That every such single person may be questioned, and punished, if the case require it. And if any single person shal dyet, or lodge, or if any house-

keeper shal admit, or entertaine any such, contrary to the true meaning of this Order ; or if any Licensed to receive such, shal neglect to complain of any disorder observed, all, and every such persons, shal pay such fine, as the court, or authority appointed for the place, shal judge meet.

Sojourners, see strangers.

Strayes.

It is Ordered, That whosoever shal take up, or detain any stray beast, or swine, or find any lost goods, he shal within six daies, give notice thereof to the Marshal, cryer, or other officer appointed for such service, by the plantation to which he belongs, who shal enter, or cause the same to be entred in a Book ; And take Order, That it be [71] duly cryed, on their 3 next Lecture ¶ dayes, or upon 3 several dayes of the Towns most general meeting, which the time wil afford ; And if the value exceed twenty shillings, he shal cause the like publication to be made, at the publick meetings, of the two next Towns, That the owner may the better hear of, & recover what belongeth to him. And further, in the case of a stray beast, he shal within one moneth after such finding, put, and indeavour from time to time, to keep a with, or wreath about the neck of it ; And within three months at furthest, (if the Owner in that time appear not) he shal acquaint the next Magistrate with the stray taken up, or goods found, and his due proceedings about them, that the same may be apprised by such indifferent men as the said Magistrate shal nominate, & appoint. And shal within six dayes after that, cause the apprisement to be duly Recorded, by the Secretary of the Plantation-Court, or Constable, or other Officer there intrusted for publick affairs, with the colour, age, natural or artificial markes, or such other description, as best suits the stray, or goods, so taken up, or found. And if the owner, of any such stray appeare within one yeare after such publication, he shal have Restitution in kind, if with safety, and conveniency it might be so long kept, paying all just damages, and charges, to the finder, and Officers, nay if he appear within three years, after the stray was first taken up, (paying as before) he shal have the ful value (according to the fore-mentioned apprisement) restored. But if the owner shal be, and continue so negligent that neither in the first, second, nor third year, he improve the means prescribed, to assert, and clear his title ; The said stray, or lost goods, (to prevent contention, and inconvenience which may after grow) shal be in reference to the first Owner by sentence of the Plantation-Court lost, and forfeited ; and the ful value, all damages, and charges to finder, Officers, or others, being first deducted (wherein if there be any question, The Court, or some indifferently chosen if there be no court in that Plantation, shal consider and determine) shal be equally divided, one half to the Plantation, and the other half to the finder. But if the said finder shal omit, or neglect his duty, or any part of it, according to the former directions, he shal pay such damage to the owner, and such fine to the plantation, as the Court upon consideration of the miscarriage shal [72] judge meet ; ¶ if he proceed further, to sel, kil, or any way for

his own advantage dispose, or alienate the property of any such stray, without attending the said directions, he shal upon proove, pay double the value, either to the owner, if he may be found, or to the Plantation to which the finder belongs; Provided also that if the owner or other person, shal injuriously, without order from Authority, or consent of the finder, take off such with or wreath, or take away such stray (after such with or wreath, to his knowledg hath been put on) before he have cleared his interest, and given satisfaction for damages, or charges expended, he shal forfeit the ful value of the Stray, appraised as before, to the use of the finder.

Strangers, see Courts.

Strangers complaining.

If any stranger, or person of another Nation, complain of injury received from any within this Jurisdiction; It is Ordered, that due search and inquiry be made concerning the same, that Justice may
 Exod. 22. 21, have a free passage; And that the stranger (if wronged) may receive
 23. 9. due satisfaction, either out of the estate of the Offender, or by his corporal punishment, as the case may require, and according to Matt: 7. 12.

Strangers, Sojourners, and Servants.

To prevent sundry inconveniences which may grow to this Jurisdiction, & the Plantations thereof, by the inconsiderate, & disorderly receiving & entertaining of strangers, or others, to be Planters, or Sojourners in any part of this Colony; It is Ordered, That henceforward, no person receive, or entertain any man, or Woman, of what age or quality soever, coming or resorting either from forraign parts, or from other Jurisdictions, or Plantations, into any Plantation, or Farme house, or habitation within the bounds, or limits of any Plantation within this Jurisdiction, to settle as a planter, or sojourner, nor sel, give, nor any way alienate, or pass over, lease, or let any house, or hous-lot, or any part or parcel of any of them, or any Land, of what kind or quality soever, nor shal permit any such to stay, or abide above one moneth, without a License from, and under the hand of some Magistrate dwelling in that plantation, or without the consent, and express Order of the major part of the Freemen of such Plantation [73] where there is no Magistrate, or ¶ without the consent, and order of the greater part of the Inhabitants, where there is neither Church nor Freemen, under the penalty of ten pounds to be paid as a Fine to the Plantation, where this Order is violated. Yet if any such violation or offence be made, or committed, only by error, or mistake, and with smal or no inconvenience to the Plantation, or Jurisdiction; The fine, or penalty, may be moderated, as the Plantation-Court, or Court of Magistrates, shal see cause. Provided that this Order is neither intended, nor reacheth to Travellers, nor such as resort hither in a way of Merchandise, or trade, nor to the entertainment of Friends, who in a way of love come only to visit, and walk inoffensively, nor to servants received, and entertained upon Family Respects. In all which cases, as every perticuler person considers his own conveniency

in receiving & entertaining; so the Court of Magistrates, or Plantation Court will consider how far they may justly free the Jurisdiction, or plantation, from inconvenience and charge. But it is by this Court Ordered, That if any servant fall sick, or any way diseased, or distempered, during the time of Service by Covenant or Agreement; The Governor of such servant, while that term lasteth, shall provide what is necessary, without putting any burden, or charge upon the Plantation, or Jurisdiction: And if such hurt came, or were brought upon such servant by the cruelty, or miscarriage of the Family governor; such Governor shall allow recompence or maintenance, after the time of Relation is expired, as the Plantation Court shall judge meet. But if the hurt came by any providence of God, without the default of the family governor; The Plantation shall dispose, or provide for such servant, after his, or her time of service is expired, as the case may require.

And to prevent difference or questions which may arise, and grow within this Jurisdiction: It is agreed, and Ordered, That if any person, Male, or Female, elder, or younger, whether with, or without license, shall hereafter Sojourn, or have constant dwelling, or abode, within the limits of any Plantation in this Jurisdiction, for and during the term, or time of one whole year, every such person shall to all purposes (in reference to any plantation within this Jurisdiction, but no further) be accounted an Inhabitant there, and shall not be sent back, or returned (unless to some particular person standing, and continuing [74] § in relation to receive, and provide as the case may require) nor shall the Jurisdiction, or any other Plantation in it be liable to any charge, or burden, in reference to any such person, though he, or she, hath dwelt elsewhere in the Jurisdiction before.

Stripes.

Stripes, or whipping, is a correction fit, and proper in some cases, where the offence is accompanied with childish, or brutish folly, with rude filthiness, or with stubborn insolency, with bestly cruelty, or with idle vagrancy, or for faults of like nature. But when stripes are due: It is Ordered, That not above forty stripes shall be inflicted at one time; *Deut: 25. 3.*

Prov. 19. 20.
c: 26. 3.

Suits Vexatious, see damages pretended.

Swearing, see prophane swearing.

Swine, see Cattel, and see Plantations.

Thefts, see Burglary.

Trespass.

It is Ordered, and Declared, That in any Trespass, or damage done to any man or men, if it appeare, or can be proved to be done, by the meer default of him, or them, upon whom the losse, or damage falls; it shall be judged no Trespass, nor any Recompence allowed for it.

Watch, see Military affairs.

Weights and Measures.

Deut: 25, 13.
40. 17.

Whereas a considerable part of Righteousnesse, between Buyer, and Seller, doth consist, in known, certain, and just Weights, and Measures, It is ordered, That in every Plantation, within this Jurisdiction, there be several Standards, procured, and sealed, that they may be uniform, and certain; viz. for weights, a set of Brass weights, to 4 pounds, with the less weights included, according to the *Averdepois* pound, consisting of sixteen ounces, with a good Beam, and Scales, fit to try them. And so for Corn measures, the Bushel, halfe Bushel, Peck, and halfe Peck, to be fitted to *Winchester* measure in *England*, and alike in all plantations. And measures for liquid things, as the Ale quart, Wine quart, Wine pint, &c: And that there be one Ell, and one Yard. That all, and each may be according to the use in *London*, as is generally practised in these united Colonies. And that in goods sold by the Ell, or Yard, a Thums breadth be allowed to the length of each Ell, and Yard. In goods sold by the hundred weight, [75] That five score and twelve be allowed. ¶ And in all sorts of Nails sold by the hundred, six score be allowed to the hundred, according to the course in *England*.

And that in each Plantation within this Jurisdiction, some fit man, or men, be chosen and appointed, under oath to view, and try all the forementioned Weights and Measures used in buying and selling, at least once a year; but oftner if there be cause, and to fit them to the forementioned Standards, and then to mark them, with some such known, and approved mark, and to have such allowance for the same, as each Plantation shal order, which Viewers, or Officers, so sworn, shal in each Plantation yearly, (beside extraordinary Viewers) appoint a convenient time, and place, to prove, and try, all such Weights, and Measures, & shal give publick, or due notice of it, And such weights or measures, as cannot be brought or conformed to the Standard, shal be ordered, or destroyed, that they be no more used in buying or selling.

Lastly, if any Viewer, or Officer, so chosen, and sworn, do neglect his Duty and Trust, in any part of the Premises, he shal pay as a Fine to the Plantation, fourty shillings. If any person within this Jurisdiction, after such notice given, shal neglect to bring in his Weights, and Measures, at the time, and to the place appointed, he shal pay three shillings four pence, for every such default, one halfe to the viewer, or Officer, and the other half to the Plantation. But if any person within this Jurisdiction, shal at any time buy, or sel, by any false or unallowed Weight, or Measure, to the damage of his neighbour, he shal pay (besides Restitution) such Fine to the Plantation, as the Court considering the nature, and measure of the offence, shal judge meet.

Wills, Inventories, and the Estates of such as dye intestate.

It is ordered, That when any man dyeth possessed of an Estate within this Jurisdiction, whether it be greater, or lesse, The Secretary of each Plantation, or some Officer thereunto appointed, shal enquire

and call for the last Wil and Testament of every such person, together with a true Inventory of all the goods and estate of the deceased, within this Jurisdiction, which with the first conveniency shal be justly prized, and the estate disposed, or preserved, as the case shal require. But the Will (if any be made and found) and the Inventory, shal be [76] duly and respectively proved by oath, the Wil by Witnesses, the Inventory for the quantity of the goods, by Executors, Administrators, or such as have had the Estate in custody. And for the valuation by the Apprisers, who shal be approved and appointed thereunto, by the Plantation Court, or by some Magistrate, or Authority there settled, and shal be recorded by the Secretary or some other Officer in all the particulars, and so kept among the Plantation Records, and after presented to the next Court of Magistrates, or at the furthest to the next Court but one, after the party deceased, under such penalty as the Court shal judge meet, and delivered to the Secretary for the Jurisdiction, who shal keep all original Wils and Inventories upon the File, and enter onely a brief abstract of them, among the Jurisdiction Records; namely, the date of the Wil, the names of the Witnesses, when proved, when the Inventory was taken, the persons by whom the estate was prized, with the summe it amounts to, and writing upon the Wil and Inventory, in what folio the premises are entred in the book of Record. And that six shillings be paid for every such Wil and Inventory. But in Plantations where there is no Court, the Jurisdiction Secretary shal at each generall Court, call to the Deputies for such Wils, & Inventories, which are to be brought in, and entred at large, in a book of Records kept by the Court of Magistrates for that purpose, and the Originals kept on the file, as before expressed. And in such cases the Jurisdiction Secretary to receive the Fees due both to himselfe and the Plantation Secretary, and when either the Wils, or Inventories, or both, are large, and require much writing, the Court of Magistrates, or Plantation Court, may enlarge the Secretaries Fees. But if through the unskilfulnesse, or inadvertency of any person, any Wil, or Wils, made or left, want due Form, or cannot be legally proved, in such case, the Court following as neer as they rationally may, the scope, and aim of the Testator, the Executor, or Administrator, before any of them intermeddle, or have any power of such an Estate, shal (if the Court see cause) put in sufficient security, which shall stand in force three years from the date, to deliver back the value of the whole Estate, or such part of it, as the Court shal finde just cause otherwise to dispose of.

But if no Wil be found, then the Court of Magistrates, or Plantation [77] Court, shal consider, who hath the next right of Administration and when any such doth administer, he, she, or they, shal give such Bond, or Security, as the Court considering the value of the Estate, with such questions as are like to arise, shal judge meet, to bring in a true Inventory, within a convenient time limited, and to dispose of the whole estate, as the Court according to the Laws here settled, shall see cause to order. And concerning such as dye here intestate, It is Ordered, That the true estate, all just debts being paid, & all necessary expences discharged; such as about the Funeral of the deceased,

prising the goods, bringing in the Inventory, immediate & reasonable charges of Housekeeping, til things (without unnecessary delay) may be settled, shal be divided and aloted as followeth ; Namely, one 3d part at least, to the Widow of the deceased, if he leave a Widow. And if there be children left, not or not duly provided for, two third parts at most to them, with due respect *to the eldest Son*, who is to have a double childs portion, of the whole Estate, Real, and Personal, unlesse the general Court, upon just cause, and grounds, shal judge otherwise, either for dividing the Estate, or for the portion of the first born. But in case the Intestate leave his wife (who hath well deserved of him while he lived) and but one Child, one third part of the Estate, shal as before, go to the Widow, and one third part to the Child ; but the other third part shal be divided by the Plantation Court, as they see cause, betwixt the Widow and the Child, 'reserving liberty for an Appeal, either to the Court of Magistrates, or to the general Court, as in other cases.

Wine. See Impost.

Witnesses.

That Justice may have the more free passage, It is ordered, That any one Magistrate, or other Officer authorised by the general Court, may upon oath, take the testimony of any person of fourteen yeares of age, or above, being of sound understanding, and of good Reputation, in any case, civil, or criminal, out of Court; and testifie the same, if it be desired, by his subscription, for evidence in another Jurisdiction. But if it be for this jurisdiction, the Magistrate, or Officer is to keep the same in his own hands, or custody, til the Court; or deliver it to the Secretary, or other Officer to be recorded, that nothing be altered in it. And yet where any such Witnessse lives in the Plantation [78] where the Court is held, or at furthest within sixteen || miles of it, and is not disabled by sicknesse, or other infirmity ; the said Testimony so taken out of Court (especially in capital causes) shal not be received, or made use of in Court, except it were either at first, taken in the presence of the party testified against, or that the witnessse be after present in Court, to be (if there be cause) further examined about it. And it is further ordered, That any person (by warrant from a Magistrate, or other Officer thereunto authorised) summoned to appeare as a witnessse, in any civil case betwixt party and party, shal not be compellable to travel to any Court in another Plantation, where he is to give his testimony, except he who procured the summons, shal first lay down, or give him satisfaction for his travel, and expences outward and homeward, after the rate of two shillings a day, in proportion to the length of the way, and for such time, as he shal necessarily spend in attendance about such case, at the Court or place, due recompence shal be awarded by the Court. And if any witnessse so summoned, and after such payment, or satisfaction, shal fail to appeare, to give his testimony, he shal (upon an action of the case) be liable to pay the parties dammages. And the like appearance (under such penalties as the nature and weight of the case may require) shal all witnesses (being so summoned) be bound to make, to give evidence in

- criminal causes, who shall also have due satisfaction from the Treasurer, upon notice, and direction from the Secretary of the Court, where the cause was tried. And it is further ordered, That in all such causes, the charges of the witnesses shall be born by the Delinquent, and shall be added to the Fine, or censure imposed. That what the Treasurer upon such warrant from the Court, shall disburse to the witnesses, may be duly repaid by the offender, that neither the Jurisdiction nor Plantation be unnecessarily burdened.

Wolves.

UPON experience of great hurt already done by Wolves in these parts, and upon consideration how mischievous the increase of them may prove: It is (for the incouragement of all such as wil set themselves to kil, and destroy them) Ordered; That whosoever shall kil an old Wolf within this Jurisdiction, and bring his head, shall have for the same 20s. and for each young Wolf so kild, and brought 10s. And that the *Indians* have for each old Wolfes head so kild five [79] shillings; and for || each young one 2s. & 6d. which several summs are to be paid by the Plantation, within the Limits wherof, any such Wolfe is kild; The bounds whereof, are the Lines betwixt each plantation; and to this purpose, so to be accounted 12 miles up into the Country.

Some presidents, and formes of things frequently used.

TO (A. B.) Husbandman of (B) you are to appeare at the next Court, holden at (N) on the day of the month next ensuing, to answer the complaint of (C: D.) for with holding a debt of due upon a Bond or Bill, &c. or for a horse &c. should Summons.
you by him, or for work, or for a Trespass done him, in his Corne, or Hay, by your Cattel, or for a defamation, or Slander, you have raised, or brought upon his name; or for striking him, or the like. And hereof you may not fail at your peril. Dated the day of the month, 1655.

To the Marshal or Constable of (N.) or to his Deputy; you are required to attach (when the case requires it) the body, and goods, of (E: F.) and to take Bond of him, to the value of with An Attach-
sufficient surety, or sureties, for his appearance, at the next Court ment.
holden at (N.) on the day of the month, then and there to answer the complaint of (G: H.) for &c. as before. And so make a true Returne thereof under your hand. Dated the day, &c.

Know all by these Presents, That we (E: F.) of (M.) Husbandman; And (I: K.) of the same Plantation Carpenter, do bind ourselves, our Heires, and Executors to (L: M.) Marshal, or (N: O.) Constable of (N.) aforesaid, in pounds, upon condition, That the said Bond for ap-
(E: F.) shall personally appeare at the next Court at (N) to answer pearance.
(G: H.) in an Action of And to abide the Order of the Court therein; And not to depart without license.

To the Marshal or Constable of you are required to Replevi two Heifers of (P: R.) now distreyned, or impounded by (S: T:) And

Replevin. *to deliver them to the said (P: R.) Provided he give Bond to the value of with sufficient surety, or sureties, to prosecute his Replevin, at the next Court holden at (S.) And so from Court to Court, til the cause be ended; And to pay such costs, and damages as the said (S. T.) shal by law recover against him; And so make a true Return thereof, under your hand. Dated &c.*

Oath of Fidelity. *You (S: T.) being by the providence of God, an Inhabitant within Newhaven Jurisdiction, do freely, and sincerely acknowledge yourself to be subject to the Government thereof; And do here sweare by [80] || the great and dreadful name of the everlasting God, That you wil be true, and faithful to the same; And wil yeild due assistance thereunto, with your person, and Estate, as in equity you are bound; and wil truly indeavour to entertain and preserve all the liberties and priviledges thereof, submitting yourself to all the just and wholesome Laws, and Orders, which already are, or hereafter shal be by lawful Authority there made, and established. And further that you will neither plot, nor practise any evil against it, nor consent to any that shal so do. But wil fully, and timely discover the same to lawful authority there selled, for the speedy preventing thereof. And that you wil as in duty you are bound, maintaine the honour of the same, and of all the lawful Magistrates thereof, promoting the publick good whilst you shal continue an Inhabitant there; And whensoever you shall be duly called as a free Burgess, according to the fundamental Order, and agreement for Government in this Jurisdiction, to give your Vote, or suffrage touching any matter which concerneth this Colony; you shall give it as in your Conscience you shall judge may conduce to the best good of the same, without respect of person, or favour to, or from any man. So help you God in our Lord Jesus Christ.*

Governors Oath. *Whereas you (A: B.) are chosen to the place of Governor, within this Jurisdiction for the insuing year; And til a new Governor be chosen, and sworn, you do here swear by the great & dreadful name of the ever living God, to maintaine (according to your best ability) all the lawful priviledges of this Common-wealth; according to the fundamental Order and agreement made for Government thereof, And that you wil carry and demean yourself for the said time of your Government, According to the Laws of God, and for advancement of his Gospel, The Laws of this Colony, And the good of the Inhabitants thereof, you shal do Justice to all without partiality, as much as in you lyeth. So help you God, &c.*

Deputy Governor, and Magistrates. Other Officers and Witnesses. *Whereas you (C: D.) are chosen to the place of Deputy Governor &c. or you (E: F.) are chosen to the place of a Magistrate &c. as in the Governors Oath, mutatis mutandis.*

Several other Oaths are to be administred to other Officers, as Secretary, and Treasurer for the Jurisdiction, Deputies for particular Courts, Marshal, Constable, Witnesses, &c. But the substance of their Oaths is to ingage them to a faithful discharge of the duty of their places, and trust, according to the best of their ability, to preserve the peace of the Jurisdiction, And to give ful and true evidence, in the cases, wherein they give testimony.

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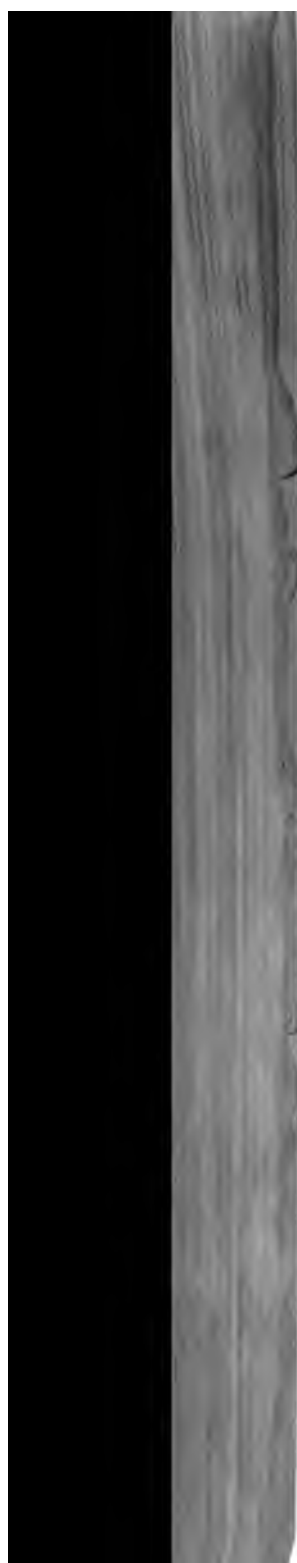
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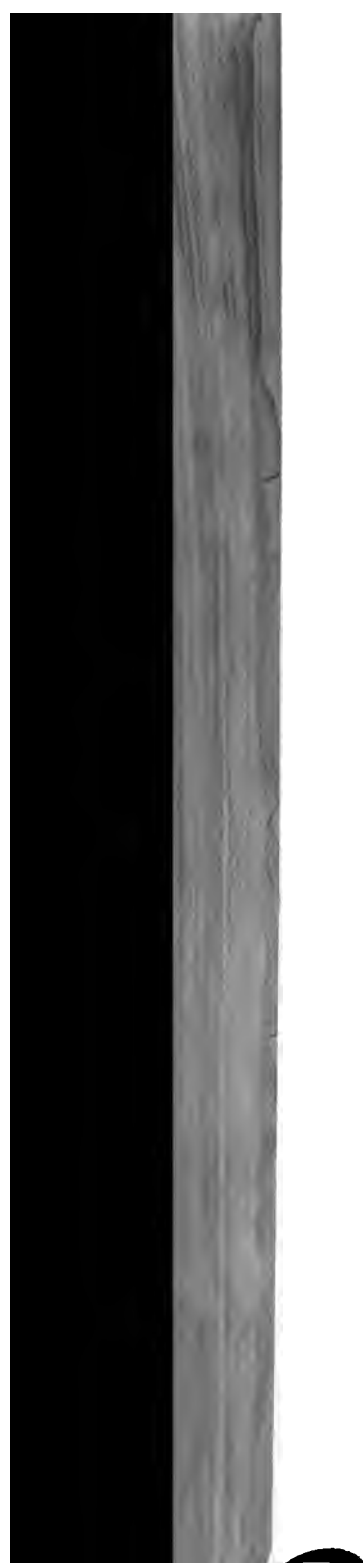










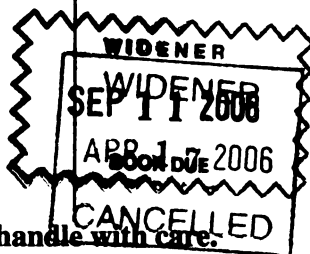
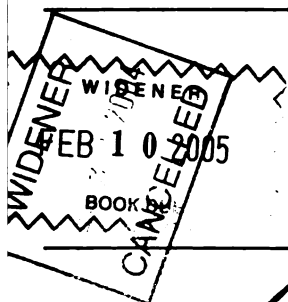




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